

Report on the
Alabama Electronic Security
Board of Licensure
Montgomery, Alabama



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September 21, 2011

Senator Paul Bussman
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Senator Bussman,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Alabama Electronic Security Board of Licensure** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Alabama Electronic Security Board of Licensure**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

Examiner
Christine Kilpatrick

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PROFILE

Purpose/Authority

The Alabama Electronic Security Board of Licensure operates under the *Code of Alabama 1975*, Section 34-1A-1 through 34-1A-11. The board was created by Act 97-711, *Acts of Alabama* to license and regulate persons and business entities engaged in sales, service, installation, maintenance or monitoring of intrusion/burglar alarm systems, access control and closed circuit TV systems. Act 2006-541, *Acts of Alabama* added regulation of locksmith services. Act 2010-399 amended the board's licensing law to require licensing according to the specific types of work done, which are named in the law (Locksmith, Burglar Alarm, Electronic Access Control system, Closed Circuit Television System, Central Station)

The board promulgates regulations and standards for training and evaluates the competency of licensees.

There are exemptions for companies working only in counties having populations of less than 30,000 inhabitants, licensed consulting engineers, licensed general contractors and licensed electrical contractors. A list of the exempt counties is presented in the appendices of this report.

<u>Characteristics</u>	
Members and Selection	<p>Six (6) members appointed by the governor subject to confirmation by the Senate:</p> <ul style="list-style-type: none">• Two members selected from five nominees submitted by the Alabama Alarm Association• One member selected from three nominees submitted by the Alabama Consulting Engineers Association• One member selected from three nominees submitted by the Alabama Sheriff's Association• One member selected from three nominees submitted by the Alabama Locksmith Association• One member who is a representative of the consumers of the state <p><i>Code of Alabama 1975</i>, Section 34-1A-2(b)</p>
Term	<p>Staggered four year terms. Members may not serve more than two successive four-year terms.</p> <p><i>Code of Alabama 1975</i>, Section 34-1A-2(c)(1)</p>
Qualifications	<p>Subject to the nominating process specified in the <i>Code of Alabama 1975</i>, Section 34-1A-2(b)</p>

Racial Representation	No statutory requirement. One black member is currently serving on the board
Geographical Representation	No specific statutory requirement
Consumer Representation	One consumer member is required by law. One consumer member is serving. <i>Code of Alabama 1975</i> , Section 34-1A-2(b)(5)
Other Representation	The membership of the board shall be inclusive and reflect the racial, gender, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 34-1A-2(b)
Compensation	None Travel expense reimbursement the same as for state employees <i>Code of Alabama 1975</i> , Section 34-1A-2(d)
<u>Operations</u>	
Administrator	Lynne Taunton, executive secretary. The board contracts with R & T Management, Inc., a private management firm for facilities, administrative, management and logistical support. Ms. Taunton is the company's president and has been appointed by the board as the board's executive secretary. Current contract amount - \$287,400 annually. <i>Code of Alabama 1975</i> , Section 34-1A-3(14)
Location	465 Cotton Gin Rd Montgomery, AL 36117 Office hours: Monday through Friday 8:30 AM - 4:00 PM

Examinations

Depending on the type license desired, applicants may take either board approved examinations, or courses and examinations conducted by National Training School (NTS) or Electronic Security Association (ESA) certified trainers. NTS and ESA examinations are graded by NTS.

INTRUSION/BURGLAR ALARM SYSTEMS	
Type License	Course/Exam
Qualifying Agent	Must pass Level 2 or the Advanced Burglar Alarm Technician (ABAT) NTS examination.
Alarm System Installer	Must pass the AESBL test or the NTS Certified Alarm Technician test
Alarm Systems Sales Person	Must pass the NTS Level I test; the NTS or board approved sales equivalent; or the “NTS Understanding Alarms” course.

Central Station Personnel	Are not required to pass an examination however, they must attend a one day NTS approved course for Central Station persons or an AESBL approved program with input given by a law enforcement agency or NTS Level 1.
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CLOSED CIRCUIT TELEVISION (CCTV)	
Type License	Course/Exam
CCTV Qualifying Agent	NTS Level I certification or eight hours of CCTV Course that is approved by the board. *
CCTV Installer	At least six hours of CCTV training in a course approved by the board or the NTS Certified Alarm Technician course and proctored exam. *
CCTV Sales Person	At least six hours of CCTV training sponsored by a manufacturer company and approved by the board, the NTS or board approved sales equivalent or the “NTS – Understanding Alarms” course.

*Effective January 1, 2012, passage of the NTS Video System Technology course and proctored exam or board approved training is required.

Examinations (cntd)

LOCKSMITHS	
Type License	Course/Exam
Electronic Access Control Qualifying Agent	Demonstrate they have taken the NTS Electronic Access Control class or the Associated Locksmiths of America (ALOA) two day Comprehensive Access Control class.
Electronic Access Control Sales Person	Pass the NTS Level 1 test; the NTS Electronic Access Control class or the ALOA two day Comprehensive Access Control class; the NTS or board approved sales equivalent, or the “NTS-Understanding Alarms” course.
Locksmiths	Pass the Proficiency Registration Program (PRP) of the ALOA or a board approved exam. Beginning January 1, 2012 the PRP will be the only exam accepted by the Board.

Tests are administered by the Alabama Alarm Association and the Alabama Locksmith Associations. Applicants pay the fees directly to the Associations. Exams are administered on a continuous basis in different locations throughout the state.

A locally developed board approved locksmith examination is administered and graded by Fred Crawford representing the Alabama Locksmith Association.

Code of Alabama 1975, Section 34-1A-3(3) and 4(c)
Rule 304-X-1-.04

Licensees		Type	Licensed
		Companies	657
		Licensed individuals with background checks*	
		Qualifying Agents	486
		Install/Technicians	799
		Salespersons	359
		Locksmiths	206
		Owners	91
		Managers	81
		Administrative	161
		Central Station (monitors)	231
		Licensed individuals without background checks	
		Central Station (monitors)	2,319
		Total	5,390
		As of 09/30/10 Source: Lynne Taunton, executive secretary	
		* <i>Code of Alabama 1975</i> , Section 34-1A-3(3) and 34-1A-5(d)(2)(b)	
Reciprocity	Yes, conditional upon evidence satisfactory to the board that the applicant conforms to the provisions of the licensing law or holds a valid license in another state with which reciprocity has been established. No reciprocal states at this time. <i>Code of Alabama 1975</i> , Section 34-1A-5(g)		
Renewals	Annually by December 31. If the applicant fails to renew license within 30 days of expiration, he or she must reapply as a new applicant. <i>Code of Alabama 1975</i> , Section 34-1A-5(e) <i>Rule</i> 304-X-1-.03 (3)		

Continuing Education	<ul style="list-style-type: none">Qualifying agents must maintain NTS Certified Alarm Technician certification (12 continuing educational units (CEUs)* annually)Installers must maintain NTS Certified Alarm Technician certification (12 CEUs* annually)Sales Persons: effective January 1, 2012, must complete four hours of board approved CEU’s*Locksmiths: must complete twelve hours of board approved CEU’s* <p style="text-align: center;">*CEU=1 classroom hour -50min instruction, 10 min break</p> <p>Continuing education is required for renewal of license.</p> <p><i>Code of Alabama 1975</i>, Section 34-1A-3(2) Rule 304-X-1-.04</p>																														
INSPECTIONS	<p>The board conducts periodic inspections of its licensees for posting of state licenses, posting of notice for filing complaints as well as including the information in contracts; all employees licensed and registered, and license number on all forms of advertising.</p> <table border="1"><thead><tr><th colspan="5">Schedule of Inspections 2007 through 2010 (FY)</th></tr><tr><th></th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr></thead><tbody><tr><td>Inspections¹</td><td>562</td><td>596</td><td>458</td><td>492</td></tr><tr><td>Total Licensed Companies¹</td><td>586</td><td>632</td><td>671</td><td>657</td></tr><tr><td>Percentage Inspected</td><td>96%</td><td>94%</td><td>68%</td><td>75%</td></tr><tr><td colspan="5">Source:¹ executive secretary</td></tr></tbody></table> <p><i>Code of Alabama 1975</i>, Section 34-1A-3(10)</p>	Schedule of Inspections 2007 through 2010 (FY)						2007	2008	2009	2010	Inspections¹	562	596	458	492	Total Licensed Companies¹	586	632	671	657	Percentage Inspected	96%	94%	68%	75%	Source: ¹ executive secretary				
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Total Licensed Companies¹	586	632	671	657																											
Percentage Inspected	96%	94%	68%	75%																											
Source: ¹ executive secretary																															
Employees	No direct employees Administrative services are provided under contract with R.T.Managment, Inc.																														
Legal Counsel	Bettie Carmack, Assistant Attorney General, employee of the Attorney General																														
Subpoena Power	None except as provided by the authority in the Administrative Procedures Act <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings in contested cases																														

Internet Presence	<p>No Facebook or Twitter presence</p> <p>Website at www.aesbl.alabama.gov – contains</p> <ul style="list-style-type: none"> • Welcome page • Introduction page • Rules • Consumer information regarding alarm systems • Complaint guidelines • Licensed companies • Contact information • Application • Continuing Education training
Attended Board Member Training	<p>Executive director</p> <p>Three board members</p>
<u>Financial</u>	
Source of Funds	Licensure fees and fines.
State Treasury	<p>Yes. Special Revenue Fund 0944</p> <p><i>Code of Alabama 1975</i>, Section 34-1A-9</p>
Required Distributions	No statutory requirement
Unused Funds	<p>Retained by board.</p> <p><i>Code of Alabama 1975</i>, Section 34-1A-9</p>

SIGNIFICANT ISSUES

2011-01

According to the board's executive secretary, licensed companies are utilizing college students to sell alarm systems in a misleading manner, which results in the property owner becoming obligated for security contracts with two different companies for protection of the same property. In this scenario, the sales person approaches the property owner and states "I'm here to set up an upgrade of your system" or words to that effect. The property owner assumes that the upgrade is to an existing system; however, the product being sold is to "upgrade" the system to a different company's product, which results in the property owner signing a new contract and becoming responsible for both an existing contract and the new contract. The executive secretary has appeared on television to warn the public of this practice. According to the executive secretary, salespeople who engage in this behavior are exempt by law from the board's jurisdiction so long as the salespeople do not enter the property owner's premises.

This exemption is provided in the *Code of Alabama 1975*, Section 34-1A-6(1), which states that, "The licensing and regulatory provision of this chapter shall not apply to any of the following persons, entities, or activities: (1) A person or business entity which only sells alarm systems at the premises of a customer, but does not enter the premises of the customer or install, service, monitor, or respond to the alarm system at the premises of the customer."

2011-02

Four of the six board members (67%), eleven of the twenty-seven individual licensees (41%), and ten of the thirty-six company licensees (28%) responding to the questionnaires stated that the most significant issue facing the board is enforcement. According to comments by board members, the law does not give the board the power to enforce its licensing authority against unlicensed companies. One of the licensees stated that the board seems powerless to stop offenders of the law and another stated that there are no enforcement measures for the unlicensed. The minutes show that the board conducts investigations of unlicensed activity. Persons suspected of unlicensed activity are notified of the need to obtain a license to continue practicing. Cease and desist letters are delivered to those who practice without a license after notification. If the cease and desist letter is not successful, a second certified cease & desist letter is sent. If the second letter is not successful, the board obtains further evidence of unlicensed practice and pursues litigation.

Section 34-1A-7 provides that it is unlawful for any person or business entity to engage in a business regulated by Alabama licensing law without a current valid license or in violation of the licensing law and applicable rules and regulations of the board. This section further states that, any person or business entity that violates the licensing law or any order, rule, or regulation of the board shall be guilty of a Class A misdemeanor. This section also authorizes the board to institute proceedings in equity to enjoin any person or business entity from engaging in any unlawful act enumerated in the licensing law. The section provides that such proceedings shall be brought in the name of the state by the board in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides.

2011-03

Two of the six board members (33%), and ten of the thirty-six company licensees (28%) responding to the questionnaires stated that the most significant issue facing the board is the cost of licensing, including the amount of continuing education required to maintain a license. The continuing education aspect is comparable among the states. An Internet search for available continuing education revealed that the cost of classes ranges from ‘no cost’ to over \$1,400. The ‘no cost’ classes typically are presented by manufacturers of alarms and are heavily weighted towards a particular product and its attributes, which may not be meaningful to all licensees. From the examiner’s research, attendance at classes earned CEUs ranging from 1 to 48 hours.

The following table presents the cost of obtaining a license in Alabama and the cost of obtaining a license in the surrounding states.

For locksmiths, it costs less to be licensed as a company in Tennessee where the initial license is \$200 for a company, \$100 for a locksmith and biennial renewal is \$175 (\$87.50 annual cost). The same cost for an Alabama licensee is initially \$350 for a corporation or LLC licensee, \$300 for a sole proprietorship company and \$25 for an individual company employee. The annual renewal fee is \$200 for a corporation or LLC, \$150 for a sole proprietorship company, and \$25 for a registered individual company employee.

For electronic security businesses and employees, the cost of the surrounding states with a biennial licensing period is a little less than Alabama’s. Mississippi licensees renew annually and the fees are comparable to Alabama’s fees.

LOCKSMITHS			
<u>Biennial licensing</u>			
	Initial Fee	Renewal Fee	Continuing Ed
<u>Tennessee</u>			
Locksmith company application	\$100		
Locksmith application	\$ 75		
Apprentice application	\$ 50		
Locksmith company license	\$100	\$175	
Locksmith license	\$ 25	\$ 175	12 hours
Apprentice registration	\$ 25	\$ 75	12 hours
Additional safe & vault or automotive	\$ 25		
<u>Georgia – does not license</u>			
<u>Florida – does not license</u>			
<u>Annual licensing</u>			
<u>Mississippi – does not license</u>			
<u>Alabama</u>			
One time initial administrative fee (not applicable to registrants)	\$150		
Corporation or LLC license	\$200	\$200	
Sole proprietorship license.	\$150	\$150	12 hours
Locksmith registrant (employed by company)	\$ 25	\$ 25	12 hours
ALARM SYSTEMS			

<u>Biennial licensing</u>			
	Initial Fee	Renewal Fee	Continuing Ed
<u>Tennessee</u>			
Contractor application	\$500		
Qualifying agent application	\$200		
Employee application	\$100		
License	\$ 50		
Contractor		\$250	
Qualifying agent		\$100	16 hours
Employee		\$ 75	
Multiple classification company		\$400	
Multiple classification QA		\$200	
<u>Georgia</u>			
Low-voltage (LV-A or LV-U) app	\$ 30		
Renewal		\$ 75	
<u>Florida</u>			
Certified license (statewide)	\$300	\$300	14 hours
Registered license (local)	\$155	\$125	14 hours
Add county to registered license	\$100		
Additional business application	\$500		
<u>Annual licensing</u>			
	Initial Fee	Renewal Fee	Continuing Ed
<u>Mississippi</u>			
Class A company application	\$100		
Class A company license	\$350	\$200	12 hours
Class B system tech application	\$100		
Class B system tech license	\$ 50	\$ 50	12 hours
Class C system install application	\$100		
Class C system install license	\$ 50	\$ 50	12 hours
Class D system sales application	\$100		
Class D system sales license	\$ 50	\$ 50	12 hours
Class T apprentice license	\$ 25		
<u>Alabama</u>			
One time initial administrative fee (not applicable to registrants)	\$150		
Corporation or LLC license	\$200	\$200	
Sole proprietorship license	\$150	\$150	
Branch	\$200	\$200	
Qualifying agent	\$ 75	\$ 75	12 hours
Registrant (employed by company)	\$ 25	\$ 25	
Installer			12 hours
Sales			4 hours
Central Station	\$200	\$200	
Central Station employee	\$ 12.50	\$ 12.50	

2011-04

Twenty-three of the thirty-six company licensees (64%) and ten of the twenty-seven individual licensees (37%) responding to the questionnaires stated that the board did not perform the licensing and renewal process in a timely manner. The board issues over 5,000 licenses annually, all of which expire December 31 (Section 34-1A-5(e)), which causes a heavy workload during the renewal period. One board member mentioned that changing the board's law to allow a monthly staggered expiration date throughout the year is needed. According to the executive secretary, the board has been working with Alabama Interactive, an organization under contract with the state to implement IT solutions, to establish online license renewal. She stated that the effort has been complicated by changes to the board's law, which was recently amended by Act 2010-399 to require licensing according to the specific types of work done, which are named in the law (Locksmith, Burglar Alarm, Electronic Access Control system, Closed Circuit Television System, Central Station). Also, minutes of the board's meetings indicate that the Alabama Bureau of Investigation is not current in processing required background checks for new licensees.

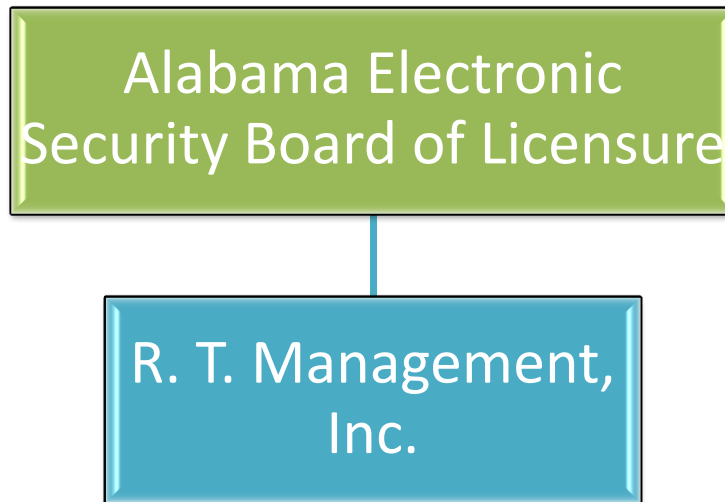
2011-05

Twenty-two of the thirty-six company licensees (61%), and fourteen of the twenty-seven individual licensees (52%) responding to the questionnaires stated that they are not adequately informed by the board of changes to and interpretations of board positions, policies, rules and laws. Typically, the board emails companies notices of rule changes (the company application form has a space reserved for an email address). According to the executive secretary, the email addresses are updated at renewal, but some emails are returned as undeliverable. She stated that the board does not specifically inform its licensees that notices from the board will be delivered by email. In the past, the board mass-mailed proposed rules changes to licensees by regular mail, but due to the cost, discontinued the mailings. She stated that the board may revisit mass-mailings in the future. Rules are promulgated as required by the state's Administrative Procedure Act and published in the Administrative Monthly. Board meetings are posted to the Secretary of State's website and the board's website. However, a complete agenda is not provided on either website.

STATUS OF PRIOR FINDINGS

All prior findings have been resolved.

ORGANIZATION



PERSONNEL

Management and administrative services are provided by R.T. Management, Inc. under contract with the board. The 2011 contract amount is \$287,400. The contract provides for clerical, accounting, administrative, and inspection services as well as office space and equipment. The president of R.T. Management is Lynn Taunton, who has been appointed by the board as its executive secretary.

Legal Counsel

Bettie J. Carmack, an employee of the Attorney General's office, provides legal counsel.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee - As of September 30, 2010, the board had 5,390 licensees. The board contracts with R.T. Management, Inc. for management, administrative, and logistical services. and has no direct employees.

Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,779,736	5390	887
Florida ¹	18,801,310	9435	1993
Georgia ²	9,687,653	35	276,790
Mississippi ³	2,967,297	1222	2428
Tennessee	6,346,105	6935	915

*2010 US Census

¹ Florida licenses several categories which are permitted to perform burglar alarm installation and monitoring. The reported number of licensees includes certified (statewide) and registered (local) electrical contractors and certified and registered alarm system contractors level I and II.

² Georgia does not license alarm companies; however, individuals performing low-voltage alarm work are licensed.

³ Mississippi licenses individuals and companies which offer residential electronic protective systems, burglar alarm systems, closed circuit television alarm systems relating to such alarms or systems.

Operating Disbursements per Licensee (2010 fiscal year) - \$56.03 as of 9/30/2010

Notification of Board decisions to Amend Administrative Rules

The board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes; however, proposed rules are generally emailed to licensed companies that request written comments. The agency collects email addresses of companies on the company application, which are updated at renewal.

Inspections

The *Code of Alabama 1975*, Section 34-1A-3(10) empowers the board to “Ensure that periodic inspections are conducted relating to the operations of licensees to ensure competency and lawful compliance.” Four part-time inspectors inspect in four separate territories in Alabama. Inspections are made to ensure that state licenses are posted, that information on where to file complaints is posted, and that this information is included in contracts; that all employees licensed and registered, and the license number appears on all forms of advertising.

NOTE: The agency did not maintain data on the number of companies that failed inspections. Individual inspection reports are placed in the inspected company’s licensure files.

Schedule of Inspections				
Fiscal Year	2007	2008	2009	2010
Inspections¹	562	596	458	492
Total Licensed Companies¹	586	632	671	657
Percentage Inspected	96%	94%	68%	75%
¹ Source: Lynne Taunton, executive secretary				

¹Follow-up Steps for Failed Inspections

1. Inspectors return a completed “Inspection Form” after visiting a burglar alarm or locksmith company. (Documentation of the date of inspection is maintained in board’s database and in the company’s paper file.
2. If the Inspector’s report identifies one or more areas of non-compliance, AESBL sends a letter (“Inspector’s Report Follow-up Letter”) identifying the items that need attention and requesting a response within ten (10) days.
3. After 15 to 30 days, if there is no response to AESBL, a second letter (“Inspector’s Report Follow-up Letter – 2nd Notice”) is mailed to the Company.
4. After fifteen days, if there is no response to AESBL’s second request, an AESBL Inspector is notified of no response and asked to schedule another on site visit and specifically document licensed and unlicensed employees.
An unlicensed employee is usually the most obvious violation.
5. If Inspector’s report confirms company still has areas of non-compliance, a third notice (“Inspector’s Report Follow-Up 3rd Notice after 2nd visit”) is sent to company requesting compliance with AESBL Law and Rules, and requesting a response within ten (10) days.
6. If response is not received within fifteen days and company has unlicensed installers/technicians, salespersons or locksmiths the board begins the Administrative Complaint process outlined in the board’s Administrative Code, Rule 304-X-1-.06, by completing a complaint form and asking the inspector to sign it.

COMPLAINT HANDLING

The board’s administrative rule 304-X-1-.06 provides the procedures for documentation, receipt, and investigation of complaints received by the board. Most complaints concern customer dissatisfaction with the monitoring service, the monitoring equipment, or the length of the contract period.

The board does not have jurisdiction over persons not licensed by the board; however, the board may institute proceedings in equity to enjoin any person or business entity from engaging in any unlawful act enumerated in its enabling statutes. It is unlawful for any person or business entity to engage in a business regulated by the board’s enabling statutes in Alabama without a current valid license. Such proceedings are brought in the name of the state by the board in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides. [*Code of Alabama 1975*, Section 34-1A-7]

Initial Complaint	Filing a complaint can be initiated by the board or by any person upon the filing of a complaint in writing with the board’s executive secretary. The letter of complaint should contain the name and address of the complaining party and state in detail the activities that the party complained of is alleged to have engaged in, and presenting the evidence of when, where and how a violation occurred. The complaint must be signed. (<u>Administrative Code, Section 304-X-1-.06</u>) No specific form is required. The board’s website does not have a downloadable/printable form for use.
Anonymous Complaints	Anonymous complaints are not accepted. The board’s rule 304-S-1-.06 states that the complaint must be signed.

Investigative Process	An investigative committee consisting of an inspector, a board member, the executive secretary or his/her designee, the board attorney, and sometimes a private investigator investigates information or a complaint to determine whether there is probable cause for disciplinary proceedings. The board member is eliminated from further involvement in the complaint except as a witness.
Probable Cause	Upon completion of the investigation, the investigative committee determines whether probable cause exists for the board to issue a summons and complaint and initiate a formal disciplinary proceeding. If the investigative committee determines that no probable cause exists, the proceedings terminate and the case is closed. If probable cause exists, the board's attorney prepares an administrative complaint.
Resolution without a Formal Hearing	At any time before or after the issuance of the administrative complaint, the board may initiate informal settlement negotiations as a means of resolving the allegations being investigated or which form the basis for the administrative complaint. No informal settlement is final until a majority of the board approves it at the next meeting of the board.
Formal Hearing	<p>If the investigative committee determines that probable cause exists for the filing of a summons and complaint, the board's attorney prepares a summons and complaint. A quorum of the board members sit for the hearing or the board a private hearing officer. If a hearing officer is appointed, the hearing officer assists the board in presiding at the disciplinary proceeding, and in ruling on all questions of evidence and procedure.</p> <p>Formal Procedures - On the basis of any hearing or upon default of applicant or licensee, the board will make a determination specifying its findings of fact, based solely on the evidence in the record and on matters officially noted in the record, and conclusions of law. All pre-hearing motions must be made in writing and filed with the Board. Copies of motions and responses thereto must be served on the opposing party. Service of motions or responses is complete upon placing the same in the mail. Each motion or response thereto will contain a certificate indicating the date on which the motion was served on the opposing party.</p> <p>The results of proceedings are mailed to the applicant or licensee, and the order is effective immediately upon issuance by the board or a hearing officer (if applicable). Appeal can be made within 30 days following issuance of the order. The board may make public its orders and judgments in such manner and form as it deems proper, and for such periods as it may direct.</p>
Notification of Resolution to the Complainant	The complainant is notified by letter once the case is closed by letter which states that board has taken necessary action or that the board finds no cause for action, and that the case has been closed.

	Schedule of Complaint Resolutions*						
Year/Number Received	Year/Number Resolved					Pending	Average Days to Resolution ²
	2007	2008	2009	2010	2011		
2006/07	4	1	0	0	0	3	52
2007/08		6	0	0	0	2	10
2008/09			8	0	0	2	24
2009/10				15	0	0	31
2010/11 ¹					4	0	
¹ As of 3/31/11	*Source of data: Lynne Taunton, executive secretary						
² Average Days to Resolution is reported as average ‘Net Business Days’							

Disposition of Resolved Complaints

Complaints from 2007 through March 2011 were resolved as follows:

# of Complaints	Resolution
3	Advised complaint to seek legal counsel
1	Company contacted customer
2	Company not at fault
20	Company settled
1	Company terminated employee
1	Requested resolution
1	Customer withdrew complaint
1	Customer sued
1	Customer returned equipment
2	Customer failed to follow through
1	Customer cancelled and owes money
4	Could not locate company

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The National Training School (NTS) of the Electronic Security Association (ESA) provides standardized training in the electronic life safety, security, and systems industry. The National Training School has a mandatory continuing education policy for NTS certification. The Alabama Electronic Security Board of Licensure requires NTS certification in order for certain licensees to obtain or renew a license, and instructors are certified by NTS.

SMART GOVERNING

As a part of our examination, we reviewed the board's performance goals and objectives as presented in the board's SMART performance reports for the 2010 and 2011 fiscal years and present the following observations:

2010 SMART Quarterly Performance Report

GOALS	COMMENTS
Goal: To provide services on-line so that 100% of renewal licenses may be processed via the web by 2011.	The goal is appropriate

OBJECTIVES	UNIT OF MEASURE	PERFORMANCE TARGET	REPORTED PERFORMANCE	COMMENTS
Objective: To increase the number of renewal applications processed on-line by 10%	Percentage	10	0 ¹	Appears appropriate

¹The agency reported that Alabama Interactive, the selected provider, was unable to provide the service by the deadline of January 20, 2010

2011 SMART Quarterly Performance Report

GOALS	COMMENTS
Goal: To provide services on-line so that 100% of renewal licenses may be processed via the web by 2012.	The goal is appropriate

OBJECTIVES	UNIT OF MEASURE	PERFORMANCE TARGET	REPORTED PERFORMANCE	COMMENTS
Objective: To increase the number of renewal applications processed on-line by 10%	Percentage	10	0 ²	Appears appropriate

²The agency reported it was unable to implement online renewal due to substantial programming required for new classifications required by Act 2010-399, which added specific categories to licenses issued by the board.

FINANCIAL INFORMATION

Source of funds – licensure fees

Fund Description

The board operates from Special Revenue Fund 0944, maintained in the State Treasury. The board receives its operating funds from licensing fees. The board cannot expend funds without an appropriation from the Legislature, and unexpended balances remain on hand for subsequent appropriation and expenditure.

Schedule of Fees

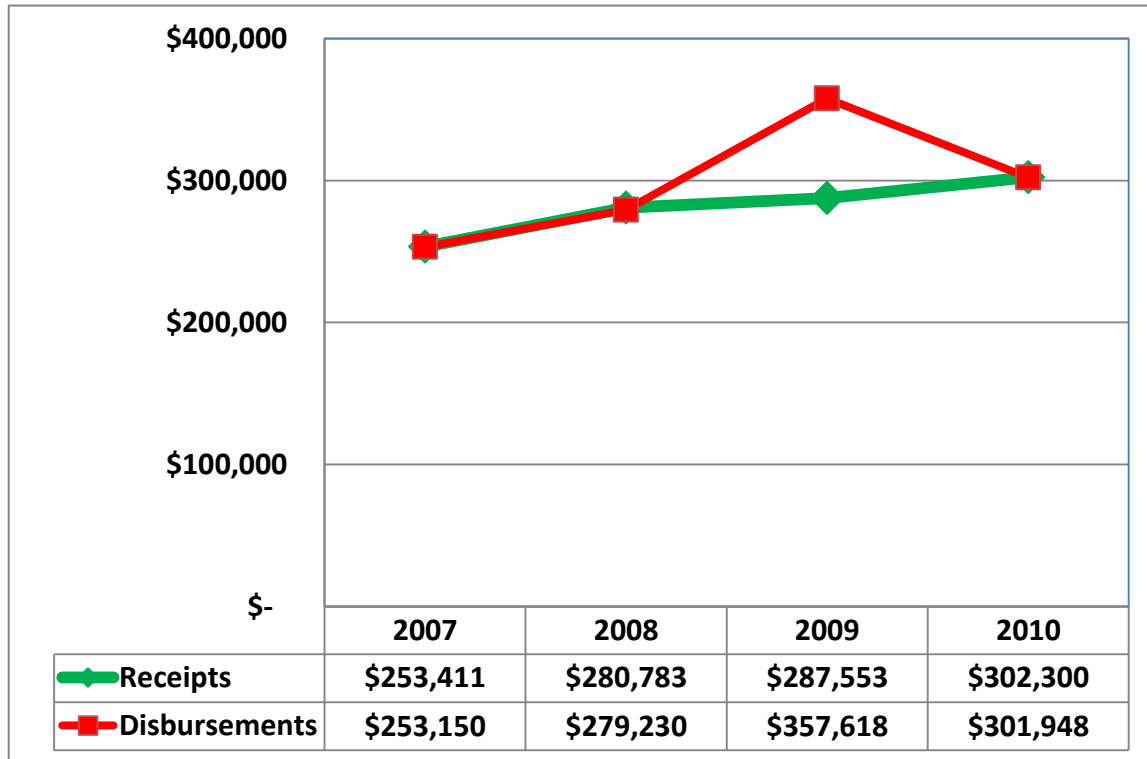
FEE TYPE/PURPOSE	STATUTORY AUTHORITY	RULE	AMOUNT AUTHORIZED	AMOUNT COLLECTED
Administrative Fee	§34-1A-3 (6)	304-X-1-.03(1)	\$150	\$150
Individual or Sole Proprietorship	§34-1A-3 (6) §34-1A-5 (b)	304-X-1-.03(1)	\$150	\$150
Company or Corporation	§34-1A-3 (6) §34-1A-5 (b)	304-X-1-.03(1)	\$200	\$200
Branch Location	§34-1A-3 (6) §34-1A-5 (b)	304-X-1-.03(1)	\$200	\$200
Qualifying Agent	§34-1A-3 (6) §34-1A-5 (b)	304-X-1-.03(1)	\$75	\$75
Registrant	§34-1A-3 (6) §34-1A-5 (b)	304-X-1-.03(1)	\$25	\$25
Lost/Replacement ID Card	§34-1A-3 (6)	304-X-1-.03(1)	\$12.50	\$12.50
Return check (maximum allowed by law)	§8-8-15	304-X-1-.03(1)	\$30	\$30
Examination fee	§34-1A-3 (6)	304-X-1-.03(1)	\$50	\$50
Central Station Company License	§34-1A-3 (6)	304-X-1-.03(1)	\$200	\$200
Central Station Monitoring Operator	§34-1A-3 (6)	304-X-1-.03(1)	\$12.50	\$12.50
Central Station Monitoring Operator Photo ID	§34-1A-3 (6)	304-X-1-.03(1)	\$12.50	\$12.50
Penalty – license not obtained by 4/30	§34-1A-7 (f)	304-X-1-.03(1)	\$500	\$500
Penalty – license not obtained by 6/30	§34-1A-7 (f)	304-X-1-.03(1)	\$1,000	\$1,000

Schedule of Receipts, Disbursements and Balances

October 1, 2006 through September 30, 2010

	2009-2010	2008-2009	2007-2008	2006-2007
<u>Receipts</u>				
License fees	\$289,570.00	\$281,963.44	\$270,783.00	\$246,485.94
Penalties	12,250.00	5,500.00	10,000.00	6,925.00
Bad Check Penalties	480.00	90.00	-	-
Total	302,300.00	287,553.44	280,783.00	253,410.94
<u>Disbursements</u>				
Travel In-State	873.50	1,863.63	1,369.50	844.14
Professional Services	301,074.32	355,754.82	277,860.74	252,305.76
Total	301,947.82	357,618.45	279,230.24	253,149.90
Excess (Deficiency) of Receipts over Disbursements	352.18	(70,065.01)	1,552.76	261.04
Cash Balances at Beginning of Year	462,459.45	532,524.46	530,971.70	530,710.66
Cash Balances at End of Year	462,811.63	462,459.45	532,524.46	530,971.70
Reserved for Year end Obligations	(11,619.25)	(35,758.14)	-	-
Unobligated Cash Balances at Year End	\$451,192.38	\$426,701.31	\$532,524.46	\$530,971.70

Operating Receipts vs. Operating Disbursements (Chart)



QUESTIONNAIRES

Board Member Questionnaire

Questionnaires were sent to 6 **board members**, 6 responded.

1. What are the most significant issues currently facing the Board and how is the Board addressing these issues?

Respondent 1: "HAVING ENOUGH BITE TO GO AFTER UNLICENSED COMPANIES AND NOT ENOUGH INSPECTORS."

Respondent 2: "Because of the state of the economy and the cost to licensees, requests are being made to reduce the continuing education requirements. This will be discussed in the May Board meeting. The Board was created to protect the health, welfare and safety of the public and continuing education is very important; however, as stated above due to the economy, now may not be the time for additional education requirements."

Respondent 3: "Education. The board is listening to the industry in determining future requirements or non-requirements."

Respondent 4: "Public awareness; Enforcement of Rules"

Respondent 5: "Not having enough leverage in the law to require and enforce licensing of all security & alarm providers."

Respondent 6: "Resisting political pressure to lower standards for all licensees"

2. What changes to the Board's laws are needed?

Respondent 1: "TAKE OUT LOCKSMITHS THAT ONLY DO MECHANICAL LOCKS, DO AWAY WITH EXEMPTIONS, CHANGE TRAINING LEVELS TO REQUIRE QA'S TO HAVE ALL THE TRAINING TO HELP ON COST TO SMALL COMPANIES."

Respondent 2: "The expiration date of all licenses should be staggered so that some expire in January, some in February, etc. This would not put such a heavy workload on Board staff at one time, since all licenses presently expire in December of each year."

Respondent 3: "Enforcement. The board needs to be able to bring individuals or companies that refuse to be licensed and a means to press on their minds the necessities of registering."

Respondent 4: "More stringent regulations and penalties to company operating in our field and ignoring the law."

Respondent 5: "Changes to the laws are needed as much as resources to enforce the existing laws."

Respondent 6: "Prohibit certain criminal offenders from ever obtaining a license"

3. Is the Board adequately funded?

Yes	2	33.3%
No	2	33.3%
Unknown	2	33.3%

4. Is the Board adequately staffed?

Yes	5	83.3%
No	1	16.7%

5. Does the Board receive regular reports on the operations of the Board from the chief administrative officer?

Yes	6	100.0%
No	0	0.0%

6. Has the Board experienced any significant changes to its operations?

Yes	1	16.67%
No	4	66.67%
Unknown	1	16.67%

7. Does the Board plan any significant changes to its operations?

Yes	2	33.3%
No	2	33.3%
Unknown	2	33.3%

8. Do you have any other comments you would like to make?

Respondent 1: “NEED TO HELP SMALL COMPANIES, AND GO AFTER UNLICENSED COMPANIES ALOT HARDER,THE INSPECTORS NEED TO LEAVE THE LICENSED COMPANIES ALONE AND GO AFTER THE ONES THAT ARE NOT.”

Respondent 2: “As a continuation of No. 2 above, the law needs to be strengthened (have more teeth) to allow the Board to enforce violations by unlicensed companies or persons. Although I answered No. 4 as Yes, there are times when one additional staff member is needed, but staggering the license expiration date would eliminate that need.”

Respondent 3: “This board is necessary for the protection of the consumer. It's not a perfect board; however it is vital to our state. AESBL needs the tools necessary to enforce its regulations to all those refusing to adhere to the law. Education is crucial to the ever changing technology of the security industry, including Surveillance and Access Control. Access Control is a life safety issue and lives are depending on knowledgeable individuals and companies to correctly install these systems.”

Respondent 4: “No.”

Respondent 6: “Staff is well informed and helpful. The facts have indicated that they provide applicants with all resources available.”

Company Licensee Questionnaire

Questionnaires were sent to **100** licensed companies, of which 36 responded.

1. Do you think regulation of your profession by the Alabama Electronic Security Board of Licensure is necessary to protect public welfare?

Yes	15	41.7%
No	19	52.8%
Unknown	2	5.6%

Respondent 3: "ALL THEY ARE IS COLLECTING MONEY THEY KNOW NOTHING ABOUT LOCKSMITHING."

Respondent 4: "Home Depot, Lowes, local hardware stores, car auctions, and some big car lots all rekey lock make key to cars etc. They have no rules as far as this goes and as a locksmith. I do my own back ground checks before I hire anyone. I don't need the aesbl to single locksmiths out."

Respondent 5: "I think that there needs to be regulations but I don't think the AESBL is the answer."

Respondent 6: "NOPE- all it does is to put money in that dept. and doesn't benefit the public at all."

Respondent 9: "It would be much better if they enforced the license for a locksmith."

Respondent 11: "The back ground checks are very imp to public welfare."

Respondent 15: "If limited to only FBI/ABI background checks, it would be justified."

Respondent 16: "I don't feel the AESBL is accomplishing what it was designed to do. The problematic companies are still not licensed therefore the AESBL is a non-issue for them"

Respondent 18: "ABI and FBI background check should be made."

Respondent 19: "There are more FAIR ways to regulate locksmiths to rid the industry of thieves other than to over burden single business owners with ridiculous continued ed. that doesn't continue anything other than income for senior locksmiths to teach the class. I am a senior locksmith and could teach classes myself; unfortunately I have to go on every call that comes in. That's how I am able to support my family, just barely, for that matter, which is why I can't afford to take off for a weekend, get a hotel, leave my wife and kids for that time to attend a class that I could teach myself."

Respondent 20: "Licensure gives legitimacy, which satisfies our customers when working for them."

Respondent 22: "There are people still installing alarms with no license....it just keep the honest people honest..the rest just keep doing what they been doing...and get rid of the board of peers that stab us in the back every chance they get...it's all crooked."

Respondent 23: "I only do camera work, no alarm work at all but must have the same license. I do not understand this principal."

Respondent 25: "All that is needed is Criminal Background Check and finger prints. All this other is working a financial hardship on the small locksmith and isn't doing one thing to protect anyone, it's a money gimmick"

Respondent 27: "All we hear is that this agency was put in place to protect the consumer. My question is this. How are you protecting the consumer when this agency cannot prevent a door to door salesman as long as he/she is not the installer? It has been pointed out on numerous occasions that the AESBL prevents robbers and rapists from getting a license but if I read the law correct, you do not need a license so long as you do not cross the threshold."

Respondent 29: "I am not against having to be licensed but it does nothing to protect the public."

Respondent 32: “We have been in business for 25 years. We have never encountered a problem for which we needed the AESBL to help in solving it.”

Respondent 33: “If they would do everyone instead of just half of the people.”

2. Do you think any of the Board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	25	69.47%
No	9	25.0%
Unknown	2	5.6%

Respondent 3: “I STARTED WORKING WITH MY DAD WHEN I WAS 9 YEARS OLD I AM NOW 39 I HAVE HAD TO TAKE 2 CLASSES AND SPEND MONEY ON STUFF I ALREADY KNEW.”

Respondent 4: “We are singled out. Lowes Home Depot have as much access to people info as we do more so I would guess.”

Respondent 5: “The board continuously makes it more difficult and expensive to continue to offer our customers the services we have been offering them by changing fees and adding new ones every year.”

Respondent 6: “I've been in the alarm business for 20+ years and don't appreciate having to bend to every whim the board gets. I don't appreciate having to re-file each year - when in insurance - I just sent in a check each year. That is what the board needs to do. New companies should complete information as requested but companies in business for many years?”

Respondent 16: “Compared to neighboring states many of the requirements are cumbersome especially for the small companies which make up a majority of the industry.”

Respondent 18: “Having to drive 300 miles to take classes in locksmithing areas I do not work in is a hardship on me.”

Respondent 19: “Not sure as I am stuck on all the fees and classes. I agree that something needs to be done!! Why have we chosen to punish the legitimate locksmiths? I thought that I paid taxes that paid police to investigate and prosecute thieves that pretend to be locksmiths or any other service market provider. Since 1994 I have learned that the market will determine if I stay in business or not. If someone gets ripped off, then they should call the police. I guarantee that the customer will not be calling that company again. If the Law can't fix the problem then next time they will do a little research before just calling the first ad in the phone book.”

Respondent 25: “The law clearly states that anyone who services or installs locks should be a licensed locksmith, all the big box stores (Lowes, Home Depot, most builders supply co.) rekey locks and every contractor installs them and we pay the financial price to meet all these requirements and they don't.”

Respondent 27: “The AESBL has taken a position that we need a license for every facet of the low voltage industry. I.E. security license, cctv license, access control license and locksmith license. This is an absurdity. Do the electricians need a license for different facets of their trade? No. Do the HVAC contractors require different licenses? No. Does the general contractor need different licenses? No. All of these examples of trades have taken and passed their tests to be licensed in their field or were (grandfathered in) and that is it.”

3. Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?

Yes	27	75.0%
No	7	19.4%
Unknown	2	5.6%

Respondent 4: "Me, as a locksmith, would love to open a second location but the stuff we have to do for the aesbl makes me not want to keep the 1 shop I have. The testing and the classes when you been in business 20 plus years I keep up with the time I love the profession and they are basically telling me I am not able to do my job unless I take their classes and that's just wrong. The longer this keeps going on the less locksmiths there going to be and that's a shame."

Respondent 6: "Once licensed - always licensed ___ should be the rule - I do not like having to complete paperwork each year just to please the board. I say - bill us once a year and then leave us alone. The hours needed - 12 - I had 16 last year. We will go to the classes that benefit our business regardless of rules."

Respondent 9: "Locksmith's that have been in business for over 10 years and pass the ABI test should be exempt from CCE classes."

Respondent 11: "Do not see the need for qualifying agents."

Respondent 15: "It seems as just another profit-making racket for everyone but locksmiths. Let the market be the control (Economics 101)."

Respondent 16: "There is no grandfathering of companies when new education rules are implemented. Therefore many companies that have been involved in certain aspects for many years are being required to send their employees to beginner level courses. This is beginning to be a constant issue annually."

Respondent 18: "I don't need to remember numbers of lock finishes. I just look in my catalog. Schlage, Medeco, and most all lock makers have people to answer all these things over the phone or will email info."

Respondent 19: "Besides the continued education, why would you have to do a background check every so many years? This is a GOV org. and I know that they have access to background info whenever they want it. I'm guessing that the excessive fees that are charged by the gov. now are just red tape (tax the working man fees) and don't pay anyone to actually do anything."

Respondent 25: "Yes all of them, because all the tests and CEU are for money, nothing is learned by these test. If a man can't do the work then he won't take the job."

4. Are you adequately informed by the Board of changes to and interpretations of Board positions, policies, rules and laws?

Yes	12	33.3%
No	22	61.1%
Unknown	2	5.6%

Respondent 4: "I have for 2 years moved locations and I still get mail at my old one and even told the inspector this."

Respondent 5: "All I ever hear is when they are requiring new fees. The only way to stay informed by them is by paying them to be a member of the Alabama Alarm Association."

Respondent 9: "Just threats... Just threats..."

Company Licensee Questionnaire

Respondent 15: "It's our associations that help make known (and clear) what is happening at the AESBL. Of course, there's more money out in dues."

Respondent 16: "Generally all that is distributed is a rough draft of proposed changes and that is not always delivered to the industry as a whole. I believe most of the information comes through the Alabama Alarm Association, therefore if you are not a member you may not be notified at all."

Respondent 18: "Most changes are on the web page but I seldom look. Alabama Locksmith Ass. sends reports every 3 months with updates. I have been a member sense it started in 1987."

Respondent 19: "It was NOT until this year that the board decided to inform people that if you worked in a county that has less that 30k people, that you were exempt from the license. Nice, since I had to deal with this for the past 3 years. I just wonder what made them tell people this year. That is just wrong!! In fact I think I should receive a refund for the past 3 years of being misled about the laws governing locksmiths in Alabama."

Respondent 21: "Occasional e-mails are sent that reference a lot of changes but we are busy and prefer quick, short reminders of new requirements."

Respondent 22: "Oh yes, it's always changing...they are the law."

Respondent 25: "But most of it is as clear as mud."

Respondent 29: "The board depends on the AAA but the AAA is a voluntary organization and not all companies are members."

Respondent 34: "Seems as though the interpretations are different depending on who you speak with."

Respondent 35: "I usually hear about the changes at a meeting in the fall, if at all."

5. Has the Board performed your licensing and renewal in a timely manner?

Yes	12	33.3%
No	23	63.9%
No Opinion	1	2.8%

Respondent 3: "JUST GOT MY LIC. IN FEBUARY I SENT MY PAPER WORK IN IN DECEMBER AND IF WE ARE LATE WE GET FINED BUT ITS OK FOR THEM TOO."

Respondent 4: "If it's after Dec. 31, we get fined. I sent mine in Dec. 28. I got mine back in Feb. So where their fine?"

Respondent 5: "I get my application in on time and then I hear nothing from them until mid-April. Then they want to fine me for not being licensed."

Respondent 9: "Should not come at the end of the year."

Respondent 15: "Absolutely not."

Respondent 16: "Any discrepancies in the licensing procedure are reported back to the company one at a time and not compiled as a whole to speed up the correction process causing endless delays."

Respondent 18: "We have to have our renewal in by Dec. 31 and we get new Lic in May or June"

Respondent 19: "You pay your money and they will be happy to send you what you need."

Respondent 21: "It did improve for the 2011 license year but previous years took a long time."

Respondent 22: "No...we have been late once...big late fee...it's all about fees, and the paper work it so repetitive...it's all about money and more money."

Respondent 25: "It usually takes about three months or longer to get your license"

Respondent 27: "Every year we receive our license in April. A full four month wait."

Respondent 29: "Absolutely not. Always a delay of at least 12 weeks."

Company Licensee Questionnaire

Respondent 31: "IT TOOK FROM 12/31/1- TO 3/21/11 TO PROCESS MY 2011 LICENSE; AND THEY DIDN'T CASH MY CHECK UNTIL 3/3/11"

Respondent 32: "All of my required documents for 2011 were turned in by mid-January. As of now, April 7th, I have yet to receive my 2011 license."

Respondent 35: "4 months is way too long."

6. Do you consider mandatory continuing education necessary for competent practice?

Yes	12	33.3%
No	24	66.7%

Respondent 3: "BECAUSE MOST GOOD LOCKSMITHS KNOW THIER PROFESSION ANYWAY AND FIELD WORK IS THE BEST TRAINING YOU WILL EVER GET."

Respondent 4: "Myself has been locksmithing since I was 9. I am 39 now. I worked with my dad till I was 17 then I was doing call ever since. I have been to 2 mandatory classes and everything I sit through I had learned from my dad. Most locksmiths in my opinion have their own training program in place. I have a son. I have been teaching him. He learned more in 2 hours with me than he learned in a 2 day class."

Respondent 6: "We will go to the classes regardless that benefit our certain situations."

Respondent 8: "Not often as required...."

Respondent 11: "Education is always important for the public and the locksmiths."

Respondent 13: "The market will weed out the uninformed. Also, many of the classes that qualify have little to no relevance to our field. Therefore, it appears as though it is only a revenue producer for the Board."

Respondent 15: "Again, let the people who use a locksmith determine if he/she is competent.."

Respondent 16: "While yes I do feel it is necessary the Alabama requirements are the most extensive in all our neighboring states, possibly the nation as a whole, and the annual amount required quickly becomes expensive and burdensome companies, especially smaller companies."

Respondent 18: "When I opened my lock shop over 30 years ago I had worked for other locksmiths 2 years and learned the basic key cutting and lock servicing from the older locksmiths. Then I started taking every class I could find. Now I am retired and only do work I have done 30 years. I send all others to young guys who are now learning all these new things."

Respondent 19: "That is a ridiculous question. LET THE FREE MARKET DECIDE THAT. What is next furniture salesmen that can't tell you what your mattress is made of? How about the guy that changes your oil, should he have to be up to date on the latest viscosity break down of the latest oil? I think that if you really need to know that you will not be going to Wal-Mart, instead you will go to the dealership. Sounds ridiculous but If I had more time I could give you 1000 more, one of which you will be able to relate to. There has always been continuing education! In years gone by either the co. you work for or just yourself wants to learn something new, THEN you or your employer decide if it is beneficial to go to these seminars. It's what you as a business man decides about furthering your knowledge, NOT someone sitting in an office wondering why nobody is signing up for his class. Hey, I have an idea....let's make a law that forces people to take my class, then I can justify my time in putting the class together. Really? Does that sound right to you, I think not!"

Respondent 21: "Big Asterisk! If you've been in the business for years then you don't need the same training as someone new. There should be some grandfathering for experience."

Respondent 25: "It's all for the money, nothing has benefitted me to date"

Respondent 31: "IF IT PROVIDES FOR NEW TECHNOLOGY TRAINING."

Respondent 32: “Experience is everything in this business.”

7. Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

Yes	18	50.0%
No	17	47.2%
Unknown	1	2.8%

Respondent 3: “WE HAVE LIMITED SOURCES BUT THEY ARE REQUIRING TESTING FOR US AND ALOA IS THE ONLY WAY TO TAKE I KNOW OF FOR THIS YEAR.”

Respondent 4: “Everything is ALOA this and the Alabama Locksmith Association that they have no clue. I called them about a required test. Contact ALOA. I called around nobody that does online courses has even heard of the test we have to take. I think if you have been in business 10 to 15 years you should be exempt from this and be able to train your employees yourself. I mean hair dressers can do this now.”

Respondent 6: “Monitoring company does most.”

Respondent 17: “There are classes available, not sure to what extent the board has to do with this.”

Respondent 18: “We had better classes and learned more before the state made it mandatory. We now have to take whatever class that may come up even if we don't work in that area just to get 12 units to renew our Lic for next year.”

Respondent 19: “Necessary education hours for WHO? It's like trying to outlaw guns in the US. Anyone with half a brain would realize that the only people left that have guns are the crooks, and the police, that come to make the report when you are dead in your living room. The first couple years I could just go on-line, pay a couple hundred \$, get some literature take a test get a diploma. Great, except I never read any literature, just went straight to the test, did not miss one Q. I do miss the money that I spent though!”

Respondent 21: “They did do well in providing an alternative for Video Training but otherwise it seems like there is a racket with the National Training School to funnel money to just them.”

Respondent 22: “Most everything is out of town...we can afford to close and go take classes in b'ham or mobile.”

Respondent 25: “Check the material yourself, there is nothing to it.”

Respondent 27: “NTS has a practical monopoly on training. Without competition for training the class prices are too costly. Also, the NTS classes are used by the AAA to fund their existence.”

Respondent 29: “Monopolized by NTS courses and taught by a AESBL board member. I think this is a conflict of interest.”

Respondent 32: “We must always travel to required classes. We lose money each time due to the fact that we can't work for a whole weekend.”

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

Respondent 1: “Not enough business in a small town to accommodate the extra requirements for a license.”

Respondent 2: “Dealer programs. I call them storm chasers. They come in to get customers to sign a 3 year agreement and once the customer is installed they could care less about service on those

account due to the contract. Then the customer has no choice but to stay with that company because of the contract.”

Respondent 3: “LIC. IS THE MOST. I MEAN ITS CRAZY. ITS ALL ABOUT MONEY AND THEY JUST NIT PICK US TO DEATH AND THEY DONT CARE AS LONG AS THEY GET THERE DOLLAR. ME AND MY SON WORK THIS SHOP AND THIS TESTING AND CLASS I HAVE TO PAY FOR. I ALSO LOSE SERVICE CALLS DO THIS EVEN ON WEEKENDS WHICH IS A BUSY TIME FOR US HERE. THEY TOLD ME THEY DIDNT CARE. DO THE CLASSES ON LINE SO I DID 4 HOURS A DAY. CRAZY NOW WE HAVE TO GO TAKE A WEEKEND CLASS TO TAKE A TEST THAT THE STATE CANT GIVE. HAVE TO DO A ALOA TEST THAT’S WRONG.”

Respondent 4: “It’s just not fair. Lowes, home depot, car auctions, hardware stores still rekey locks make keys and have no guide lines. they have more access to keys than we do. they have more customers want keys made than my shop does cause the volume of people come through there”

Respondent 5: “There is no reason for the high costs to renew licenses every year. I understand background checks and yearly applications but the changes every year and the new fees are unnecessary.”

Respondent 6: “Over control by the board.”

Respondent 7: “Board require us to take classes and you have people like aloa, Alabama locksmith ass., giving classes that around 400 for a weekend and the on line classes are limited and the testing they require for this year is only given by aloa that i can find.”

Respondent 8: “Still have unlicensed alarm sellers and installers....”

Respondent 9: “Cost.”

Respondent 10: “Most of ceu classes are more of a sales pitch than actual training for my profession. this takes away time to be out working making a living.”

Respondent 11: “Still a lot of companies not licensed<do not no feel that inspectors are checking for un-licensed companies.”

Respondent 12: “COST OF continuing education.”

Respondent 13: “I never receive any newsletter or other form of documentation to inform me of what the board is or is not doing.”

Respondent 14: “The requirement of a state license insures the customer of professional work to be done. The enforcement of this license insures that the locksmith doing the work is a professional.”

Respondent 15: “Fees, Dues, Fees, Dues, Fees, Dues, etc.....”

Respondent 16: “It appears that the board is concerned only with companies that are licensed and do not attempt to locate non-licensed companies. Therefore the companies that have complied with the law are not protected from unlicensed companies and are at even more disadvantage due to the burden of requirements mandated by the AESBL”

Respondent 17: “I know of no issues, that the board has taken on.”

Respondent 18: “Speaking for this locksmith only. I would say having to drive from the coast to Birmingham and points north and spending Sat and Sun in a class I don't need. Maybe they try? I don't know. ”

Respondent 19: “I'm long winded here, so I will not go on further other than to say, I have spent several hours talking to fellow locksmiths here in AL and around the country. I used to be a member (since I started my co.) of the AL Locksmith association, I have exhausted more of my time trying to get the association to fix or just rid some of these rules, only to be excused as someone that doesn't care about my profession, and just complain too much, for this reason I am not and will not ever be part of an organization that supports these laws, without even listening to the real needs of a small business.”

Company Licensee Questionnaire

Respondent 20: “There are still unlicensed individuals in our area (i.e. tow truck drivers) performing some locksmith duties but I'm not seeing any pursuit or deterrent of their practices.”

Respondent 21: “The board seems powerless to stop offenders of the licensing law if they are not licensed companies. It's like we are required to sign up for a board that then is harsh on us while those skirting the law are scot-free!”

Respondent 22: “Fire alarms: okay they're working on making where only a handful of alarms companies can install and monitor fire alarm....somebody's getting something out of this one”

Respondent 23: “Cost”

Respondent 24: “Unauthorized installers.”

Respondent 25: “1. Stop the big box stores and building supply companies from rekeying locks, it is dangerous to let an hourly employee have access to the keys to someone's home and we lose thousands of dollars this way. 2. Stop big contractors from installing locks and panic hardware on new construction and large remodels and give us a chance to compete. 3. Stop police officers and tow truck drivers from unlocking vehicles, this costs us thousands and damage to many vehicles each year by untrained professionals 4. These things I have mentioned take valuable dollars from our businesses to maintain them and keep the right help and tools on hand and it's the locksmith that gets the call at 3:00 am when there's a lock problem, not the store employee, the contractor, police officer or tow truck driver, these practices are forcing many good people out of business in small towns. Our profession can be governed by simple oversight and not massive regulations.”

Respondent 26: “The Board requirements are too expensive for a small business like ours and most are unnecessary.”

Respondent 27: “Unlicensed companies (trunk slammers). Currently, the AESBL only monitors or investigates the licensed companies. Also, there are entirely too many exemptions to the license - Electricians, contractors, counties of less than 30,000 etc. If the playing field is not level then why have it?”

Respondent 28: “Testing its ridiculous.”

Respondent 29: “Too many exceptions in the AESBL law. Everyone is exempt with the exception of a true Security company but then only if it is in a county of more than 30 thousand.”

Respondent 30: “n/a”

Respondent 31: “THEY SHOULD BE MORE OF A LICENSE AGENCY THAN ALWAYS ADDING MORE AND MORE REQUIREMENTS EVERY YEAR; ALWAYS ADDING TO THE COST OF DOING BUSINESS; ESPECIALLY IN THESE ECONOMIC CONDITIONS.”

Respondent 32: “We have no problems with the locksmith businesses in our area.”

Respondent 33: “Not getting rid of these fly by night so called locksmith. There are those that they don't make get a license”

Respondent 34: “Enforcement of the law”

Respondent 35: “I would like to see the board promoting licensed companies more. We have too many fly by night companies / individuals. We need stronger penalties for unlicensed companies. The counties and cities don't have enough info on the rules / laws pertaining to the alarm industry. We need to do away with the population loop hole in the licensing.”

Respondent 36: “The board police's it's licensee's not trunk slammers or fly by night people of the trade.”

9. Do you think the Board and its staff are satisfactorily performing their duties?

Yes	9	25.0%
No	17	47.2%
Unknown	4	11.1%
No Opinion	6	16.7%

Respondent 3: "THEY NO NOTHING ABOUT LOCKSMITHING."

Respondent 4: "I have called the board to ask them something and you would have thought I was bothering them so bad they sent me a paper to fill out. if I knew someone was working without a lic. well that's not my job that they are trying to get some to make their job easier but they're not trying to make mine easier."

Respondent 9: "Too many alarm people that do not have any knowledge of the locksmith trade...."

Respondent 13: "I feel that the security board merely takes money from the companies that want to follow the law. Security equipment can be sold online or Sam's wholesale with no license but I have to jump through a ton of hoops to sell security products. There is little enforcement of the laws and therefore the playing field is not fair."

Respondent 16: "Obtaining information from the board is difficult at best. The website offers little assistance and should contain more information and a FAQ section. I wonder about the increase in educational requirements during the current board chairmen's term in office considering he is also an instructor in the classes required."

Respondent 18: "They are doing a great job from what I can see. The staff duties are to gather all the cash they can. AM I WRONG?????????"

Respondent 19: "I'm sure that I will find out, after I submit this survey, as I'm not sure if my fellow locksmiths that support my views will say it as I have. Good luck to me. By the way, Thank you for sending out this survey, as I have fallen on deaf ears for the past several years. I am glad to know that someone other than the AESBL and AL Locksmith Ass. will finally hear this from an independent locksmith/business owner!"

Respondent 21: "I think they have improved especially with the speed of the most recent license renewal. They need"

Respondent 22: "I have had someone on the board; try to move in on a customer when he called for help. [REDACTED] had the fire panel, it was locked out. We gave the customer the electronic security board #, he called.. and lo and behold the chairman told him we weren't licensed to do that job. He could get into the panel the back way...with people like this helping me out in my own industry, looks like they're using this post for personnel gain."

Respondent 25: "There isn't any enforcement power for wrong doing, they want us to police the industry and report to them and then nothing is done to enforce the violations"

Respondent 27: "Absolutely not! This board is completely incompetent. There is no excuse for the extended delay in receiving a license once all of the paper work has been submitted. Three to four months is ridiculous. Also, what other government agency has its doors closed to the public. You cannot go by the AESBL office and ask questions and they rarely answer their phone."

Respondent 35: "Way too many unlicensed contractors. When I called in on an unlicensed contractor I was asked to get all the info for the Board. The last time I checked nothing had been done."

10. Has any member of the Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

Yes	0	0.0%
No	36	100.0%

Respondent 4: “Never done that but they’re not friendly; half the time when I have called down there I get a machine anyway.”

Respondent 18: “None of the staff has ever spoke to me except the young lady that handles my App. each year. She answers any question I may ask. She is a sweet lady.”

Respondent 19: “I wish that they (someone) would so I could just pay whatever they need and be able to run my company, pay my taxes, support my family, and just try to get even the smallest piece of the American dream. I hate to think that because of these laws that I will be forced to move my family to another less intrusive state. It seems that this is all I can do at this point.”

Respondent 21: “No but I consider it a conflict of interest to have a board member of the Security Board also serving on the Alabama Alarm Association; seems like there is a core group of people who run both organizations which I consider unethical.”

Respondent 22: “Their fees are high...as a business owner between, taxes, insurance and paying the board...there not a lot left.”

Respondent 35: “The fees are way too high, in Georgia I pay around \$150 every 2 years to renew my license”

Individual Licensee Questionnaire

Of 100 letters sent to licensed individuals, of which 27 responded.

1. Do you think regulation of your profession by the Alabama Electronic Security Board of Licensure is necessary to protect public welfare?

Yes	19	70.4%
No	7	25.9%
No Opinion	1	3.7%

Respondent 3: "I do feel that we need to be licensed but by a fair and impartial board unlike the one we have. I do not feel like a board member should be another alarm company employee."

Respondent 7: "I don't mind license and background checks. But they keep adding classes you have to take , so they make money.. BS I don't need a camera class, or access class. Been doing it for 15 years... I know how."

Respondent 8: "I do not think the AESBL is the right board to be over the locksmith shops that does not install or service electrical locks and hardware."

Respondent 9: "Most communities are small and you know a majority of the people. They said we needed license to keep out the rouge and crooked locksmiths. Who these people are I have no clue. My business was started by my grandfather, then my dad and in 46 years we have had no complaints with the BBB or anyone else."

Respondent 10: "There needs to more done to stop the unlicensed Locksmiths and stop harassing the ones that are."

Respondent 13: "Background checks are helpful for protecting the public and for hiring new employees."

Respondent 14: "MOST LOCKSMITHS ARE HONEST LET THE POLICE TAKE CARE OF THE BAD ONES. MAKING INSURANCE REQUIRED IS WRONG. MY WORK IS ALL GAURANTEED FOR ONE YEAR AND I HAVE BEEN IN BUSINESS A LONG TIME WITHOUT PROBLEMS. FBI CHECK AND FINGER PRINTING IS A GOOD THING BUT CONTINUING ED AND INSURANCE SHOULD BE UP TO ME"

Respondent 15: "But should include all locksmiths not just part of them. I can't imagine governing only part of the profession. How is that fair? "

Respondent 18: "Not if you're an electrical contractor."

Respondent 19: "No because they do not enforce anything."

Respondent 21: "THE BOARD NEEDS TO REGULATE ALL SECTORS IF THEY ARE GOING TO REGULATE ANY AT ALL"

Respondent 23: "Fine with me."

Respondent 24: "IF THE BOARD WOULD INSPECT AND ENFORCE THE CODES"

Respondent 26: "I do, but there is a lot of over kill on some things that make small companies trying to maintain their standards almost impossible and too expensive to stay in the business. They are running the small businesses out of the industry and eventually only larger companies and chains (XXX) will be left."

2. Do you think any of the Board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	17	63.0%
No	10	37.0%
Unknown	2	0.0%

Respondent 3: "The cost of license and the cost of the classes to stay licensed"

Respondent 7: "I don't mind license and background checks."

Respondent 8: "We have been in business for 47 years and with these new rules for so many hours of class each year it is just silly. The classes are a joke. The fees for these classes and license are very hard on the small shops."

Respondent 9: "I have very little electronic hardware in use by my customers but just to replace an electric strike I have to take yet another class."

Respondent 10: "They make the rules and then have different Interpretations of what they mean. Cannot seem to agree."

Respondent 13: "Requiring all workers to be certified as technicians poses a hardship because some of the best wire pullers and helpers are unable to pass the certification test. It is also very expensive to get someone certified."

Respondent 14: "MAKING SOME SUBJECTS MANDATORY WHEN I DON'T USE THEM"

Respondent 15: "Licenses should be for 2 to 3 years like other state licenses and the CEU requirements are higher than necessary. Pest control licenses are for 3 years for individuals and company licenses are yearly. The ceu's are for the individual licensee. The company license is a yearly fee with a simple application. The individual license is for 3 years and must include 30 ceu's (you have 3 years to get 30 ceu's. You must report convictions in the meantime, etc. It is a much better system and would mean a lot less work for the board and an easier application for an individual. This just scratches the surface, however I am pro license."

Respondent 18: "Too many useless classes to attend just in attempt to rob my pocket."

Respondent 21: "REQUIRING CONTINUING EDUCATION FOR LOCKSMITHS THAT ARE ALREADY LICENSED AND EXPERIENCED IN THE FIELD."

Respondent 24: "THEY SHOULD HONOR ANY NATIONALLY CERTIFIED TEST, NOT JUST THE ONE THEY PROCTOR. IF SOMEONE HAS PASSED THE NTS TEST WHY SHOULD THEY HAVE TO RE-TEST AGAIN, ON THE SAME TEST JUST BECAUSE THE AESBL SAYS YOU HAVE TO. IT'S JUST A WAY FOR THE AESBL TO GET MORE MONEY"

Respondent 26: "The CEU requirements are overkill on a yearly basis and very expensive. Large companies who can afford it are working their techs under different contractor licenses so that they are not all required to get the same licenses, training and ceus."

3. Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?

Yes	16	59.3%
No	11	40.7%

Respondent 7: "I don't mind license and background checks."

Respondent 9: "The classes that I have to take to get my credit hours is not worth the time I spend on watching the video. I watch a guy tell how great he is and how many cars he does in a day. It cost

about 325 dollars for the credit hours needed and you are learning about what you are already doing daily.”

Respondent 10: “Nothing is clear about the requirements and change with each situation.”

Respondent 13: “Separate certifications for Alarm, CCTV, Access Control is unnecessary. It all should fall under the low voltage category.”

Respondent 14: “YES SOME THINGS THAT YOU MAKE ME STUDY IS NOT NECESSARY AS I DON'T DO THEM”

Respondent 15: “See above comments.”

Respondent 24: “I think the board’s inspection process is a fraud. The inspectors only come to the company and look at paperwork. They never inspect the work. They do not enforce code or regulations regarding the installation of equipment. We regularly get beat on fire alarm bids because competitors shortcut the required number of devices which are determined by national fire code.”

4. Are you adequately informed by the Board of changes to and interpretations of Board positions, policies, rules and laws?

Yes	6	22.2%
No	14	51.9%
Unknown	6	22.2%
No Opinion	1	3.7%

Respondent 9: “If you are not a member of a locksmith association the only news you get is at the end of the year when you get your renewal packets. As of 5/12/11 you cannot call and reach anybody at the Board because the recording says they are still working on 2010.”

Respondent 10: “If you do not go to the meetings, you never hear a word from the board until they want to enforce something.”

Respondent 14: “MY LOCAL LOCKSMITH ASSOCIATION KEEPS ME UP TO DATE”

Respondent 17: “The Website for AESBL is hard to navigate. It would be great if email updates could be sent to license holders.”

Respondent 21: “ONLY WHEN IT’S TIME TO RENEW”

Respondent 24: “I have asked the inspector for clarifications on AESBL rules and NFPA and NTS codes on many occasions and have never received an answer.”

5. Has the Board performed your licensing and renewal in a timely manner?

Yes	15	55.6%
No	10	37.0%
Unknown	2	7.4%

Respondent 1: “It takes until May before Licenses arrive for current year.”

Respondent 3: “This year alone sent out on Dec 28 received on Jan 4 received the license on March 26 2011.”

Respondent 7: “They never do.”

Respondent 9: “It has got much better this year.”

Respondent 10: “You are months behind and you cannot get a city license without it.”

Respondent 14: “I THANK YOU FOR THAT.”

Respondent 15: “The application process needs to be revised and simplified.”

Respondent 17: “The amount of time it takes to receive a renewal license after applying is extremely long.”

6. Do you consider mandatory continuing education necessary for competent practice?

Yes	14	51.9%
No	11	40.7%
Unknown	1	3.7%
No Opinion	1	3.7%

Respondent 3: “Yes if classes had to deal with knowledge of how to install or program the equipment not on why to buy a particular product”

Respondent 7: “It’s sales classes... that are all that the ceu's are...”

Respondent 9: “If a person does not want to advance himself or learn of new methods or products he only hurts himself by jobs lost, but that should be his choice.”

Respondent 10: “But, they keep adding courses for certain categories.”

Respondent 14: “WE KNOW WHAT WE NEED IN SOME AREAS WE NEED ONE THING AND IN OTHER WE NEED SOMETHING ELSE”

Respondent 15: “See above. Most ceu's are sales presentations and costly. Any trade show participation should count for CEU credit.”

Respondent 18: “These laws were put in place for sales reps.”

Respondent 19: “But not the way they do things. The continuing education needs to be about rules and laws of the alarm profession not to sell products.”

Respondent 23: “Rewarding”

Respondent 26: “Not every year maybe every 3-5 years.”

Respondent 27: “We are trained on new products already.”

7. Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

Yes	10	37.0%
No	11	40.7%
Unknown	6	22.2%

Respondent 3: “But the classes they have you take are not relevant to what we need example a class on alarm panel will consist of how good are the features or the price of the panel not on how to install it or program it. Most of the people taking the class are installers not company owners so the installers have no input on what panel to use or products to purchase. Also my father passed this year. He was our qualifying agent I was told I needed to become licensed as an agent I was given 90 days. No classes where offered that were close. After large discussion, the board (very heated) finally allowed me to take a later course”

Respondent 14: “ALOA.”

Respondent 15: “It is too cumbersome to get something approved. What does the board know about locksmith education. It is all thrown off on ALOA. The local association and vendors should do the training.”

Respondent 17: “The "approved" training that I have been through is lacking in relevant information. There are many courses available throughout the industry that would be beneficial.”

Respondent 20: "Very good."

Respondent 24: "To my knowledge the board has never provided any CEU's. They are provided by vendors and the Alabama Alarm Association."

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

Respondent 1: "Convicting Unlicensed Locksmiths and restricting advertisers from ads without proper documentation of Licensing. We were Licensed to protect the public from scammers and unlicensed Locksmiths the AESBL Should openly prosecute these people and we as Licensed Locksmiths do not see this Happening. We as Locksmiths that have been licensed do not have the Time and resources to do this the State Government HAS to do this."

Respondent 2: "There are no enforcement measures for the unlicensed. CEU classes should be made available online, not everyone can afford to drop what they are doing and go attend classes with the technology that is available today this should not be an issue it continuing education should be readily available without having to close up shop and attend physical classes...."

Respondent 3: "Allowing electricians to install fire alarms and burglary alarm without license also when we report a company for no license they are hardly nothing done. I do feel that we need to personally, if they do nothing to help"

Respondent 4: "Mainly on license renewal, and prices. I haven't noticed any desire to change these issues."

Respondent 5: "It was difficult to find anyone who could definitively tell me what to do to get licensed then the course was a joke. The guy had us fill out a bunch of personality profiles over the 4 hours and about 15 minutes was spent on anything remotely relevant to security."

Respondent 6: "Nothing."

Respondent 7: "Making you take a class for Cameras, and access now is garbage. Maybe for new businesses , but people that's been doing it for years., come on... that class is for someone to make money., that's all"

Respondent 8: "We are like most small business in the United States trying to keep our heads above water. And when you have a shop for customers, to go to the rules and fees for every employee, cost just too much money and there are no electric locks being worked on in our shop."

Respondent 9: "Most locksmiths are older and there was no grandfathering in no matter how long you have been operating. What is happening now is that more than a few are going to automobile only so you do not need a license. The only problem with this is that they are still doing other jobs on the side and who is to know? I have not talked to any other locksmith who has said he is happy about the situation. A locksmith is a pillar of the community and is greatly depended on by people in need. I like most others think is just a way for the state to make more money, even though the most money is on classes which the state gets none. Go figure."

Respondent 10: "Unlicensed, and too many exemptions from the law. Not making changes to the law"

Respondent 11: "No option."

Respondent 12: "Finding correct dispatch numbers easily for out of state alarm companies to provide the necessary protection for our customers."

Respondent 13: "Too many unlicensed companies operating in Alabama. There doesn't seem to be any effort to address this."

Respondent 14: "UNLICENSED LOCKSMITHS ,MANDATORY COURSES AND INSURANCE IS MAKING IT HARD ON ALL OF US"

Individual Licensee Questionnaire

Respondent 15: “Not all locksmiths are licensed so how is it possible to speak about issues? The board cannot do anything until this is addressed.”

Respondent 16: “Not sure.”

Respondent 17: “Un-licensed installers are doing the work cheaper than it costs to do it right.”

Respondent 18: “They are the problem (over regulation) stay out of my business.”

Respondent 19: “The Board is not addressing anything but the money they are charging in fees.”

Respondent 20: “Out of state workers doing work in Alabama without proper licenses.”

Respondent 21: “ASIDE FROM THE COST AND TIME OF CONTINUING EDUCATION, I DON'T THINK ITS FAIR FOR THE AUTO AND LOCKOUT INDUSTRY SUCH AS TOW COMPANIES NOT TO HAVE TO FACE REGULATIONS.”

Respondent 22: “Qualified persons is a significant issue in our profession. The Board has a good understanding of what training should be required and how to best implement that training.”

Respondent 23: “The board is strict, but there could be people out there that maybe board certified. I don't know what they're doing about that situation.”

Respondent 24: “False alarm reduction. They do nothing but talk about it. There should be a state low voltage general contractors license for all low voltage contractors to include phone, voice, data, home theater etc. there MUST be inspection and code enforcement.”

Respondent 25: “No opinion”

Respondent 26: “Some companies working techs under different contractor licenses so that they do not have to license all of them with the aesbl so they are not properly trained, drug tested or background checked.”

Respondent 27: “Can't think of anything”

9. Do you think the Board and its staff are satisfactorily performing their duties?

Yes	11	40.7%
No	7	25.9%
Unknown	6	22.2%
No Opinion	3	11.1%

Respondent 3: “It takes too long to get the license processed.”

Respondent 7: “Less fees and classes would be nice. It's hard to be self-employed now, don't need any add on expenses.”

Respondent 10: “Not enough man power or money to do a better job.”

Respondent 14: “THEY ARE VERY HELPFUL”

Respondent 15: “Starting with the application which is not very clear, it seems to be an interpretation and is not very well composed. Next would be definitions, and that just scratches the surface.”

Respondent 24: “The only thing I see them do is take my money and side step my questions.”

Respondent 26: “To the best of their ability with the man power they have to work with.”

10. Has any member of the Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

No	23	85.2%
Unknown	3	11.1%
No Opinion	1	3.7%

Individual Licensee Questionnaire

Respondent 5: “A lot of money changed hands with the State of Alabama and my company. It had nothing to do with our professionalism. We were exceptionally well trained in ethics, sales and technical attributes. This was no more than a money grab by the state. The entire process was very unprofessional.”

Respondent 14: “GOD HELP THEM IF THEY DO”

Respondent 27: “All these classes are a burden on a small business. If you want us to take a class you should provide it at no cost. This is just another cost that cannot be passed on to the customer.”

Complainant Questionnaire

Questionnaires were sent to **36** complainants, of which 17 responded.

1. Was your complaint filed with the Alabama Electronic Security Board of Licensure by:

Mail	14	82.4%
Phone	2	11.8%
Fax	1	5.8%

2. Was receipt of your complaint promptly acknowledged?

Yes	14	82.4%
No	3	17.6%

3. If the answer to Question 2 was yes, approximately how long after you filed your complaint were you contacted by the Board?

Immediately	2	11.8%
Within 10 days	8	47.1%
Within 20 days	2	11.8%
Within 30 days	3	17.6%
Did not respond	1	5.8%
Unknown	1	5.8%

One person did not respond to this question.

4. Was the employee who responded to your complaint knowledgeable and courteous?

Knowledgeable	1	5.8%
Courteous	3	17.6%
Both	10	58.8%
Neither	1	5.8%
Unknown	2	11.8%

5. Did the Board communicate the results of investigating your complaint to you?

Yes	12	70.6%
No	4	23.5%
Unknown	1	5.8%

6. Do you think the Board did everything it could to resolve your complaint?

Yes	8	47.1%
No	4	23.5%
Unknown	5	29.4%

7. Was your experience with the Board satisfactory?

Yes	10	58.8%
No	4	23.5%
Unknown	3	17.6%

8. Do you have anything else you would like to add to your response?

Respondent 1: "I really feel that this company violated rules that should have been enforced by allowing an unlicensed salesman (who had already been warned to not sell w/out a license) continue selling and to not adhere to FTC rules of a 3 day cancellation notice of all monies as stated in the contract. The original \$99.00 was never returned by the Alabama company who should fall under the regulation of the state of Alabama. This was a definite prey on Senior Citizens which was bad enough, but a 3 day right to cancel as a cooling off period should be something that is enforced and frowned upon when an 86 y/old woman cancels within the time frame allowed. The board member that I dealt with was very pleasant and responsive, but did not seem to have any way to require this business licensed by his department to adhere to this FTC rule."

Respondent 3: "Continued to receive phone calls for months from the same company."

Respondent 5: "No one contacted me to interview me. No one came to the house to verify the problem. In fact, the whole experience was a total waste of the stamps I used communicating with this agency. They would not even allow me to come in and talk to them. This agency is a waste of our taxpayers money and I have told everyone I know! I can be contacted at (334) [REDACTED]-[REDACTED]. [REDACTED]"

Respondent 6: "My complaint was against an alarm company that used unlicensed technician. The company had a history of asking customers to sign contracts and wouldn't deliver a working system. After signing the contract, the accounts were turned over to collection department. They tried to ruin my credit. Thanks to [REDACTED] and the AESBL for working this case. Alabama should establish a similar regulation for collection agencies."

Respondent 7: "I thought there could have possibly been some further steps/action taken to resolve my issue such as your council/group contacting upper mgmt. [REDACTED] but apparently not."

Respondent 8: "I had paid for my service three years in advance and only received one year of monitor. After the Electronic Board contacted [REDACTED], they offered me a rate of \$19.95 per month. When I became two months delinquent, they added acceleration-EOT/No Monitoring 12/01/10 to 04/30/11 charges to my account in the amount of \$578.55. I refused to pay the \$578.55 due to the arrangement previously made with [REDACTED] to honor the service paid in advance. [REDACTED] turned my account over to an attorney for collection. I really want to be reimbursed from the Alabama Board of Electronic Security and find another security service. This experience has been a total disaster."

Respondent 9: "My wife was against our having complained about those [REDACTED] con artists at all. It was very frustrating to have complained and then to have been ordered "to drop it", but that was not the Board's fault."

Respondent 11: "Lawyer filed complaint with AESBL for me. AESBL wrote company I was having problem with, requesting they respond to complaint. The company responded to me and AESBL granted what I had asked them for."

Respondent 13: "Reference complaint questionnaire mailed to me (copy attached), I filed two different complaints with the Board of Electronic Security. The first complaint was faxed August 20, 2009 (copy attached). This complaint was acknowledged on August 26, 2009 (copy of

Complainant Questionnaire

acknowledgement letter attached). The second complaint was mailed to them on April 9, 2010. I never received any type of acknowledgement of the second complaint. I did receive a letter from [REDACTED], General Manager, [REDACTED], dated 19 May 2010. It is evident the Board of Electronic Security contacted him. As stated, I never received any type of acknowledgement of the second complaint. Services with [REDACTED] was cancelled on June 15, 2010 (see attachment). When [REDACTED] left the premises, there was a light on the control panel indicating there was something wrong. I called [REDACTED] and questioned him about the light. He informed me when the new service guy put in the default codes this would correct the problem with the light indicating the carbon monoxide monitors were not functioning. When the new company arrived, they attempted several times to correct the problem. There is definitely a wiring problem with the carbon monoxide monitors. The new company said to me: 'I would like to know how in the hell he wired these.' As of today, the monitors are not working."

Respondent 14: "I commend you for this service, which made it possible for me to negotiate a better price from [REDACTED]. Although I didn't get complete satisfaction, you helped tremendously. [REDACTED] is now bought by [REDACTED] ([REDACTED]). I have yet to have any contact from them except a letter. We'll see how they are??? I objected to the high powered sales tactics and deception which [REDACTED] exhibited before you contacted them. Thanks."

Respondent 15: "They gave me the steps I should take and to whom I must make the report to in order that they could handle my problem, and soon I received a call from the company in question with an apology followed by a letter of the apology for the problem incurred. I really want to say again I feel the board did a true service and a magnificent job. Again thank you."

Respondent 16: "I'm writing in regards to the complaint I filed against the alarm company and [REDACTED], the installer of my alarm system. I have not heard any more from [REDACTED]. He refuses to answer my calls and told his office workers not to talk with me. He has still not paid 610.00 back to me. Thanks for your concern."

Respondent 17: "I may have had to follow up by mail. I don't recall. [The board] sent me a copy of correspondence from the board to the licensee."

APPENDICES

Exempt Counties

The *Code of Alabama 1975*, Section 34-1A-10 states, “This chapter shall not apply in counties having populations of less than 30,000 inhabitants according to the most recent decennial census, unless the county commission of such a county, by the adoption of a resolution, irrevocably elects to be covered by this chapter.”

Exempt counties - Population per 2010 Decennial Census Reference Code of Alabama 1975, Section 34-1A-10

	<u>County</u>	<u>2000 Population</u>	<u>2010 Population</u>
	Barbour	29,038	27,457
	Bibb	20,826	22,915
	Bullock	11,714	10,914
	Butler	21,399	20,947
	Cherokee	23,988	25,989
	Choctaw	15,922	13,859
	Clarke	27,867	25,833
	Clay	14,254	13,932
	Cleburne	14,123	14,972
	Conechuh	14,089	13,228
	Coosa	12,202	11,539
	Crenshaw	13,665	13,906
	Fayette	18,495	17,241
	Geneva	25,764	26,790
	Greene	9,974	9,045
	Hale	17,185	15,760
	Henry	16,310	17,302
	Lamar	15,904	14,564
	Lowndes	13,473	11,299
	Macon	24,105	21,452
	Marengo	22,539	21,027
	Monroe	24,324	23,068
	Perry	11,861	10,591
	Pickens	20,949	19,746
No Longer Exempt	Pike	29,605	32,899
	Randolph	22,380	22,913
	Sumter	14,798	13,763
	Washington	18,097	17,581
	Wilcox	13,183	11,670
	Winston	24,843	24,484

Smart Governing Performance Reports

Thursday, November 18, 2010
EBO Form 10

FY 10 SMART Quarterly Performance Report

Page 2 of 3

Basic Agency

Agency: 366 - Electronic Security Board of Licensure				Program: 653 - PRO AND OCCU LICENSING AND REG								
Organization: -				Activity: -								
Key Goal:												
Goal 1	To provide services on-line so that 100% of renewal licenses may be processed via the web by 2011.								Governor's Priority:		6	
Objectives and Quarterly Targets:												
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
Objectives		Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(O1-Efficiency) To increase the number of renewal applications processed on-line by 10%.		Percent of Applications processed	0	0	10	0	10	0	10	0	10	0

Item # Notes

O1- Alabama Interactive not able to get application renewal process on-line.

O1- Alabama Interactive unable to get adequate edits programmed for on-line renewal by deadline of January 30, 2010.

Tuesday, February 22, 2011
EBO Form 10

FY 11 SMART Quarterly Performance Report

Page 1 of 2

Basic Agency

Agency:	366 - Electronic Security Board of Licensure	Program:	653 - PRO AND OCCU LICENSING AND REG								
Organization:	-	Activity:	-								
Mission:	To regulate alarm system installers and locksmiths										
Workload Measures and Quarterly Projections:											
	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
Workload Measure	Projected	Actual	Projected	Actual*	Projected	Actual*	Projected	Actual*	Projected	Actual*	
W1: Number of companies licensed	15	13	440		165		20		640		
W2: Number of individuals issued photo ID cards	50	221	1300		700		50		2100		
W3: Number of company inspections	100	162	50		150		150		450		
W4: Number of individuals meeting training requirements	50	63	900		400		50		1400		
* Actual workload data is not currently available for this quarter.											

Tuesday, February 22, 2011
EBO Form 10

FY 11 SMART Quarterly Performance Report

Page 2 of 2

Basic Agency

Agency: 366 - Electronic Security Board of Licensure				Program: 653 - PRO AND OCCU LICENSING AND REG							
Organization: -				Activity: -							
Key Goal:											
Goal 1	To provide services on-line so that 100% of renewal licenses may be processed via the web by 2012.								Governor's Priority:		4
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual*	Target	Actual*	Target	Actual*	Target	Actual*
(O1-Efficiency) To increase the number of renewal applications processed on-line by 10%	Percent of Applications processed	0	0	10		10		10		10	
* Actual performance data is not currently available for this quarter.											

Item # Notes

O1- Unable to implement online renewal due to substantial programming required for new classifications in Act 2010-399.

Statutes

CHAPTER 1A. ALARM SYSTEM INSTALLERS.

Current through End of 2010 First Special Session.

§ 34-1A-1. Definitions.

For the purpose of this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) Alarm system. Burglar alarms, television cameras, or other electrical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage, and other similar losses. The term does not include any fire detection, fire alarm, or fire communication system.

(2) Alarm system installer. A person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation, service, or monitoring, of alarm systems for the public for any type of compensation.

(3) Burglar alarm. An assembly of equipment and devices, or a single device such as a solid-state unit which plugs directly into an AC line, designed to detect an unauthorized intrusion or an attempted robbery at a protected premises or signal public police or private guards to respond, or both.

(4) Central station. A location where alarm signals are received as a part of an alarm system and then relayed via operator to law enforcement officials.

(5) Closed circuit television system (CCTV). A combination of electronic equipment and devices designed and arranged for the viewing, monitoring, or recording of video signals transmitted from transmitters, such as cameras, to receivers, such as monitors, digital video recorders, and network video recorders (NVR) through a closed cable or other video signal transmission method.

(6) Electronic access control system. A system that is powered by the building's primary power source and is used as a process to grant or deny an individual access to a specific area or object based upon his or her possession of an item, a code, or physical characteristic.

(7) Installation. The initial placement of equipment or the extension, modification, or alteration of equipment after initial placement.

(8) Locksmith. A person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation or service of locks for residential or commercial use.

(9) Service. Necessary repair in order to return the system to operational condition.

CREDIT(S)

(Acts 1997, No. 97-711, p. 1465, § 1; Act 2004-103, p. 137, § 3; Act 2006-541, p. 1250, § 1; Act 2010-399, § 1.)

§ 34-1A-2. Alabama Electronic Security Board of Licensure--Creation; composition; operation.

(a) The Alabama Electronic Security Board of Licensure is created.

(b) The board, which shall reflect the racial, gender, geographic, urban and rural, and economic diversity of the state, shall consist of the following members, who are citizens of this state, appointed by the Governor, and subject to confirmation by the Alabama Senate:

(1) Two members representing the alarm system industry selected from five nominees submitted by the Alabama Alarm Association.

(2) One member of the Alabama Consulting Engineers Association selected from three

nominees submitted by that association.

(3) One member of the Alabama Sheriff's Association selected from three nominees submitted by that association.

(4) One member who is a locksmith selected from three nominees submitted by the Alabama Locksmith Association.

(5) A person who is a representative of the consumers of the state.

(c)(1) The terms of the board members shall be four years.

(2) Of these members first appointed, two shall be appointed to four-year terms, two for three-year terms, and one for a two-year term.

(3) Any vacancy occurring other than by expiration of terms shall be filled for the remainder of the unexpired term by appointment by the Governor, subject to the nominating process specified in subsection (b).

(4) No member shall serve more than two successive four-year terms.

(5) A member shall serve until a successor is appointed and assumes office.

(d) Members shall be paid out of the funds of the board the same per diem as prescribed by law for state employees for each day of attendance of board business.

(e) Meetings shall be held at least four times per year. Special meetings shall be held at the call of the chair or by a majority of the members.

(f)(1) The board may adopt rules of proceedings.

(2) Three members of the board constitute a quorum.

(3) The board shall elect a chair on an annual basis.

CREDIT(S)

(Acts 1997, No. 97-711, p. 1465, § 2; Act 2006-541, p. 1250, § 1; Act 2008-94, p. 122, § 3.)

§ 34-1A-3. Powers of board.

The board shall have all of the following powers:

(1) License and regulate persons and business entities engaged in business as an alarm system installer or as a locksmith.

(2) Establish the qualifications for licensure to ensure competency and integrity to engage in these businesses and allow graduates of technical school or community college programs in related fields to qualify. Qualifications for licensure shall include the requirement that the applicant is a United States citizen or legally present in this state.

(3) Examine, or cause to be examined, the qualifications of each applicant for licensure including the preparation, administration, and grading of examinations, and when necessary, requiring the applicant to supply a board approved background investigation.

(4) License qualified applicants regulated by the board.

(5) Revoke, suspend, or fail to renew a license for just cause as enumerated in the regulations of the board.

(6) Levy and collect reasonable fees for licensure, including, but not limited to, the application process and testing of applicants, and renewal, suspension, and reissuance of licenses, and costs of necessary hearings, that are sufficient to cover all expenses for the administration and operation of the board.

(7) Promulgate rules and regulations in accordance with the Administrative Procedure Act necessary to perform its duties, to ensure continued competency, to prevent deceptive, misleading, or criminal practices by its licensees, and to effectively administer the regulatory system administered by the board.

(8) Register or by other means monitor employees of a licensee to ensure such employees do not impair the ability of the licensee to satisfy the requirements of this chapter.

(9) Receive and investigate complaints concerning the conduct of any person or business entity whose activities are regulated by the board, conduct hearings in accordance with procedures established by the board pursuant to the Alabama Administrative Procedure Act, and take appropriate disciplinary action if warranted.

(10) Ensure that periodic inspections are conducted relating to the operations of licensees to ensure competency and lawful compliance.

(11) Require the purchase of comprehensive liability insurance related to business activities in a minimum specified amount.

(12) Require licensees and employees of licensees have available a photo identification card at all times when providing licensed services.

(13) Promulgate canons of ethics under which the regulated professional activities of persons and business entities shall be conducted.

(14) Employ or contract for necessary personnel, including a director, and provide necessary offices, supplies, and equipment to fulfill the requirements of this chapter.

(15) Delegate its powers and duties by resolution to a named designee.

(16) Enter into contracts and expend funds of the board to fulfill the requirements of this chapter.

(17) Borrow money for the initial start-up operation of the board until sufficient receipts are paid into the special revenue trust fund specified in Section 34-1A-9.

(18) Work with the office of the Attorney General and other law enforcement agencies to prohibit any violation of this chapter.

(19) Establish volunteer procedures for those persons or businesses that are exempt from this chapter.

CREDIT(S)

(Acts 1997, No. 97-711, p. 1465, § 3; Act 2004-103, p. 137, § 3; Act 2006-541, p. 1250, § 1; Act 2008-94, p. 122, § 3.)

§ 34-1A-4. Duties of board.

(a) The board shall promulgate regulations and standards for the training and licensing of locksmiths and alarm system installers. The board shall examine and license and shall establish classifications for the purpose of training and licensing for licensees under this chapter based on the work performed. Licensees shall be classified as locksmith, burglar alarm, electronic access control system, closed circuit television system, or central station. Licensees shall be licensed in an appropriate classification in order to perform work in each respective classification.

(b) The board shall, after a public hearing and consultation with persons who are knowledgeable regarding the business and pursuant to the Alabama Administrative Procedure Act, establish by board rules or regulations competency standards and any changes of the standards.

(c) The board may evaluate the competency of applicants for licenses. The board may either develop and administer an examination to evaluate competency, or rely on an examination developed and administered by a national or regional professional association.

CREDIT(S)

(Acts 1997, No. 97-711, p. 1465, § 4; Act 2010-399, § 1.)

§ 34-1A-5. Licenses--Issued; fees; granting of license; suspending or revoking license; nonresident license; display of license; written service contracts; confidential information.

(a) The board shall issue licenses authorized by this chapter to all qualified individuals in accordance with rules or regulations established by the board.

(b) The annual license fee as set by the board shall not exceed one hundred fifty dollars (\$150) for

an individual and seven hundred fifty dollars (\$750) for a business entity.

(c) The license shall not be transferred or assigned and is valid only with respect to the person to whom it is issued.

(d)(1) No license shall be granted if the applicant has had any prior business license revoked for fraud, misrepresentation, or any other act that would constitute a violation of this chapter.

(2)a. An applicant shall not be refused a license solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or profession for which the license is sought. The board may refuse a license if, based on all the information available, including the applicant's record of prior convictions, the board finds that the applicant is unfit or unsuited to engage in the business.

b. The board may consult with appropriate state or federal law enforcement authorities to verify whether an applicant has a criminal record prior to granting any license and, as an aid to this duty, each applicant may be required to provide his or her fingerprints and complete an affidavit of his or her criminal record, if any, as a part of the application. The board may periodically consult with state and federal law enforcement officials to determine whether current licensees have new criminal convictions.

(e) Any license granted pursuant to this chapter shall expire December 31 of each year unless it is renewed pursuant to regulations established by the board or unless it is suspended or revoked.

(f) An affirmative vote of a majority of board members shall be required before any action to suspend or revoke a license, to impose a sanction on a licensee, or to levy a monetary penalty. A board member shall disqualify himself or herself and withdraw from any case in which he or she cannot accord fair and impartial consideration.

(g) A nonresident of this state may be licensed by meeting one of the following requirements:

(1) Conforming to the provisions of this chapter and the regulations of the board.

(2) Holding a valid license in another state with which reciprocity has been established by the board.

(h) A licensee shall display the license at its normal place of business and in a manner easily readable by the general public. (i) A notice shall be displayed prominently in the place of business of each licensee regulated pursuant to this chapter containing the name, mailing address, and telephone number of the board, and a statement informing consumers that complaints against licensees may be directed to the board.

(j) The license number of a licensee shall be displayed in all advertising.

(k) The board shall prepare information of consumer interest describing the regulatory functions and describing the procedures of the board by which consumer complaints shall be filed with and resolved by the board. The board shall make the information available to the general public and appropriate state agencies. The board shall provide upon request a listing of all licensees. The board may collect a fee for the cost of duplicating and mailing materials.

(l) Each written contract for services in the state of a licensee shall contain the name, mailing address, and telephone number of the board and a statement informing consumers that complaints against licensees may be directed to the board.

(m) Notice of the issuance, revocation, reinstatement, or expiration of every license issued by the board shall be furnished to the sheriff of the county and the chief of police, as appropriate, and the inspection department of the city where the principal place of business of a licensee is located.

(n) Information contained in alarm system records held by the board concerning the location of an alarm system, the name of the occupant residing at the alarm system location, or the type of alarm system used shall be confidential and disclosed only to the board or as otherwise required by law.

CREDIT(S)

(Acts 1997, No. 97-711, p. 1465, § 5; Act 98-279, p. 457, p. 1465, § 1.)

§ 34-1A-6. Licenses--Exceptions.

The licensing and regulatory provision of this chapter shall not apply to any of the following persons, entities, or activities:

- (1) A person or business entity which only sells alarm systems at the premises of a customer, but does not enter the premises of the customer or install, service, monitor, or respond to the alarm system at the premises of the customer.
- (2) The installation, servicing, monitoring, or responding to an alarm device which is installed in a motor vehicle, aircraft, or boat.
- (3) The installation of an alarm system on property owned by or leased to the installer.
- (4) A person or business entity who owns, installs, or monitors alarm systems, on his or her own property or, if he or she does not charge for the system or its installation, installs it for the protection of his or her personal property located on the property of another, and does not install or monitor the system as a normal business practice on the property of another.
- (5) A person or business entity whose sale of an alarm system is exclusively over-the-counter or by mail order.
- (6) A person or business entity in the business of building construction that installs electrical wiring and devices that may include in part the installation of an alarm system if both of the following apply:
 - a. The person or business entity is a party to a contract that provides that the installation shall be performed under the direct supervision of, inspected, and certified by a person or business entity licensed to install an alarm system and that the licensee assumes full responsibility for the installation and service of the alarm system.
 - b. The person or business entity does not service, monitor, or maintain the alarm system.
- (7) The response to an alarm system by a law enforcement agency or by a law enforcement officer acting in an official capacity.
- (8) A business that engages in the installation or operation of telecommunications facilities or equipment which are used for the transport of any signal, data, or information outside the continuous premises on which any alarm system is installed or maintained.
- (9) Any business entity, business owner, or person, or the agent or employee of such business entity, business owner, or person engaging in the routine visual inspection or manufacturer's or installer's recommended testing of an alarm system subject to this chapter owned by the business entity, business owner, or person and installed on property under the control of the business entity, business owner, or person.
- (10) Any business entity, or person, or those engaged in property management, or agent or subcontractors or employees thereof, who, in the normal course of business, engage in the routine inspection, service, or replacement of such alarm systems, fire alarm or fire/smoke detection systems, fire communication systems, or security devices subject to this chapter, on or in property owned or under the control of such business entity, or person, or property manager.
- (11) Consulting engineers who design, develop, modify, or offer other services within the scope of their profession regarding alarm systems.
- (12) A licensed general contractor and the employees of the contractor whose activities are limited to the projects that qualify for a license by the State Licensing Board for General Contractors.
- (13) A licensed electrician, master electrician, and electrical contractor who is licensed by the city, county, or state and their employees whose activities are limited to the projects of the licensed electrician, master electrician, and electrical contractor.
- (14) A licensed homebuilder and the employees of the homebuilder whose activities are limited to the projects of the licensed homebuilder.

CREDIT(S)

(Acts 1997, No. 97-711, p. 1465, § 6; Act 2000-143, p. 203, § 3; Act 2004-103, p. 137, § 3; Act 2006-541, p. 1250, § 1.)

§ 34-1A-7. Licenses--Required.

(a) Effective January 1, 1998, it shall be unlawful for any person or business entity to engage in a business regulated by this chapter in this state without a current valid license or in violation of this chapter and applicable rules and regulations of the board.

(b) Effective January 1, 1998, it shall be unlawful for a person or business entity not licensed under this chapter to advertise or hold out to the public that he or she is a licensee of the board.

(c) Any person or business entity who violates this chapter or any order, rule, or regulation of the board shall be guilty of a Class A misdemeanor.

(d) Effective January 1, 1998, it shall also constitute a Class A misdemeanor to willfully or intentionally do any of the following:

(1) Obliterate the serial number on an alarm system for the purpose of falsifying service reports.

(2) Knowingly and deliberately improperly install an alarm system, or knowingly and deliberately improperly service such a system.

(3) While holding a license, allow another person or business entity to use the license or license number.

(4) Use, or permit the use of, any license by a person or business entity other than the one to whom the license is issued.

(5) Use any credential, method, means, or practice to impersonate a representative of the board.

(6) Make use of any designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly licensed.

(7) Make use of any title, words, letters, or abbreviations which may reasonably be confused with a designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly licensed.

(8) Provide material misrepresenting facts in an application for licensure or in other communications with the board.

(9) Refuse to furnish the board information or records required or requested pursuant to statute or regulation.

(e) The board may institute proceedings in equity to enjoin any person or business entity from engaging in any unlawful act enumerated in this chapter. Such proceedings shall be brought in the name of this state by the board in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides.

(f) In addition to any other disciplinary action taken by the board, any person or business entity licensed by the board who violates this chapter or rule or regulation promulgated pursuant to this chapter shall be subject to a monetary penalty. If the board determines that the person is in fact guilty of the violation, the board shall determine the amount of the monetary penalty for the violation, which shall not exceed one thousand dollars (\$1,000) for each violation. The board may file a civil action to collect the penalty.

(g) The board is entitled to costs and reasonable attorney fees in any civil action or administrative proceeding in which the board obtains relief.

CREDIT(S)

(Acts 1997, No. 97-711, p. 1465, § 7; Act 2004-103, p. 137, § 3.)

§ 34-1A-8. General applicability.

(a) This chapter and the rules and regulations promulgated pursuant to this chapter shall have uniform force and effect throughout the state. A municipality or county shall not enact an order, ordinance, rule, or regulation requiring a person or business entity to obtain a certification from the municipality or county, other than proof of a valid license issued by the board.

(b) This chapter shall not affect any general statute or municipal ordinance requiring a business license for an alarm system installer.

(c) Nothing in this chapter limits the power of a municipality, a county, or the state to require the submission and approval of plans and specifications or to regulate the quality and character of work performed by contractors through a system of licenses, fees, and inspections otherwise authorized by law for the protection of the public health and safety.

CREDIT(S)

(Acts 1997, No. 97-711, p. 1465, § 8.)

§ 34-1A-9. Alabama Electronic Security Board of Licensure Fund established.

A separate special revenue trust fund in the State Treasury to be known as the Alabama Electronic Security Board of Licensure Fund is established. All receipts collected by the board under this chapter are to be deposited into this fund and shall be used only to carry out the provisions of this chapter. The receipts shall be disbursed only by warrant of the state Comptroller upon the State Treasury, upon itemized vouchers approved by the chair of the board. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriations bills.

CREDIT(S)

(Acts 1997, No. 97-711, p. 1465, § 9.)

§ 34-1A-10. Applicability in certain counties.

This chapter shall not apply in counties having populations of less than 30,000 inhabitants according to the most recent decennial census, unless the county commission of such a county, by the adoption of a resolution, irrevocably elects to be covered by this chapter.

CREDIT(S)

(Acts 1997, No. 97-711, p. 1465, § 11.)

§ 34-1A-11. Sunset provision.

The Alabama Electronic Security Board of Licensure is subject to the provisions of the Alabama Sunset Law of 1981, and is classified as an enumerated agency pursuant to Section 41-20-3. The board shall automatically terminate on October 1, 2000, and every four years thereafter, unless a bill is passed that the board be continued, modified, or reestablished.

CREDIT(S)

(Acts 1997, No. 97-711, p. 1465, § 12.)

Board Members

ALABAMA ELECTRONIC SECURITY

BOARD OF LICENSURE

7956 VAUGHN ROAD, PMB 392

MONTGOMERY, AL 36116

PHONE 334-264-9388~~FAX 334-264-9332

E-MAIL~aesbl@aol.com~~web-site~www.aesbl.com

April 1, 2011

Ms. Christine Parrish
Operational Division
Examiners of Public Accounts
P.O. Box 302251
Montgomery, AL 36130

Dear Ms. Parrish:

The following contains the information requested on Board members in Item I regarding your Sunset review of the Alabama Electronic Security Board of Licensure.

Shelton Mangum, Chairman
Representing Alarm System Industry
Appointed: June 30, 2006
Expiration of Term: October 1, 2009
Reappointed: December 31, 2009
Expiration of Term: October 1, 2013

Patrick J. Houston
Representing Alarm System Industry
Appointed: November 29, 2010
Expiration of Term: October 1, 2012

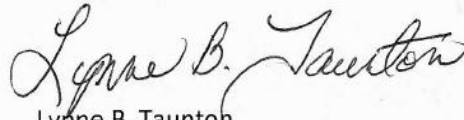
Dallas C. Brooks
Representing Locksmith Industry
Appointed: June 14, 2007
Expiration of Term: October 1, 2010
Reappointed: March 2, 2010
Expiration of Term: October 1, 2014

Nelson Russell
Representing Consulting Engineers
Appointed: January 14, 2009
Expiration of Term: October 1, 2012

Sheriff Grover W. Smith
Representing Alabama Sheriff's Assoc.
Appointed: January 14, 2009
Expiration of Term: October 1, 2011

Stacia Robinson
Representing Consumers
Appointed: December 31, 2009
Expiration of Term: October 1, 2013

Sincerely,

A handwritten signature in black ink, reading "Lynne B. Taunton". The signature is written in a cursive, flowing style with a large initial "L".

Lynne B. Taunton
Executive Secretary

RESPONSE TO SIGNIFICANT ISSUES

ALABAMA ELECTRONIC SECURITY
BOARD OF LICENSURE
7956 VAUGHN ROAD, PMB 392
MONTGOMERY, AL 36116
PHONE # 334-264-9388---FAX # 334-264-9332
E-Mail ~ aesbl@aol. Com---WEB-SITE~www.aesbl.com

September 9, 2011

Mr. John E. Norris
Director, Operational Division
Examiners of Public Accounts
P. O. Box 302251
Montgomery, AL 36130

Dear Mr. Norris:

The following is a requested response to the Sunset Committee report on the operations of the Alabama Electronic Security Board of Licensure (the Board).

2011-01

To address the problem of sales of alarm systems at residences where the person does not physically enter the premises of the customer, the Board would like to propose the following revision to Code of Alabama 1975, Section 34-1A-6(1): “(1) A person or business entity which only ~~sells alarm systems at the premises of a customer, but distributes alarm system information by using advertising, internet or telephone contact, does not work on a commission basis, and does not enter the premises cross the threshold of the home or business~~ of the customer or install, service, monitor, or respond to the alarm system at the premises of the customer.”

2011-02

To address the issue of enforcement, the Board proposes the addition of the following paragraph (h) to Code of Alabama 1975, Section 34-1A-7:

(h) In addition to or in lieu of the criminal penalties and administrative sanctions provided in this chapter, the board may issue an order to any person, firm, or corporation engaged in any activity, conduct, or practice constituting a violation of this chapter, directing the person, firm, or corporation to forthwith cease and desist from the activity, conduct, practice, or the performance of any work then being done or about to be commenced. The order shall be issued in the name of the Board and the State of

BOARD MEMBERS
SHELTON MANGUM (CHAIRMAN) ~ DALLAS BROOKS ~ PATRICK HOUSTON ~
~ STACIA ROBINSON ~ NELSON RUSSELL ~ SHERIFF GROVER SMITH ~

Alabama. If the person, firm, or corporation to whom the board directs a cease and desist order does not cease or desist the activity, conduct, practice, or performance of work immediately, the board shall cause to issue in any court of competent jurisdiction and proper venue, a writ of injunction enjoining the person, firm, or corporation from engaging in any activity, conduct, practice, or performance of work as prohibited by this chapter. Upon showing by the board that the person, firm, or corporation has engaged or is engaged in any activity, conduct, practice, or performance of work prohibited by this chapter, the courts shall issue a temporary restraining order restraining the person, firm, or corporation from engaging in such unlawful activity, conduct, practice, or performance of work pending the hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after the hearing, commanding the cessation of the unlawful activity, conduct, practice, or performance of work complained of, all without the necessity of the board having to give bond. A temporary restraining order, preliminary injunction, or permanent injunction issued pursuant to this subsection shall not be subject to being released on bond. In the suit for an injunction, the board may demand of the defendant a fine of up to five thousand dollars (\$5,000) plus costs and attorney fees for each offense. A judgment for penalty, attorney fees, and costs may be rendered in the same judgment in which the injunction is made absolute. The trial of the proceeding by injunction shall be summary and by the trial judge without jury. Anyone violating this chapter, who fails to cease work, after a hearing and notification from the board, shall not be eligible to apply for a license for a period not to exceed one year from the date of official notification to cease work. It shall be within the power of the board to withhold approval, for up to six months, of any application from anyone who, prior to the application, has been found in violation of this chapter.

2011-03

The Board is aware of some licensees' concerns about the costs of training and has filed final amendments to its Administrative Code which, effective September 19, 2011, which will provide for reductions in these costs. One amendment creates a new classification of applicants called "Helper" with no training requirements. Amendments to Section 304-X-1-.04 eliminate the requirement of CCTV training for technicians with Level 1 training. A waiver of CCTV training has been provided for Qualifying Agents at companies licensed for the previous five years and have had no monetary penalties or documented violations of the Code. Another waiver of continuing education training is available to locksmiths who only work on residential

BOARD MEMBERS

SHELTON MANGUM (CHAIRMAN) ~ DALLAS BROOKS ~ PATRICK HOUSTON ~
~ STACIA ROBINSON ~ NELSON RUSSELL ~ SHERIFF GROVER SMITH ~

mechanical locks, have been licensed for the previous three years and have had no monetary penalties or documented violations of the Code.

2011-04

The Board continues to work with Alabama Interactive to implement online license renewal. This electronic process will reduce the paper work in the Board office and improve processing time for renewal licensing. Alabama Bureau of Investigation (ABI) processing of criminal background checks has created delays in the past, and the Board will continue to work with the ABI in attempts to have timely processing of Federal Bureau of Investigation (FBI) reports. At the August 9, 2011, Board meeting, a committee was formed to review delays in processing and determine the feasibility of "Interim" licenses while waiting on criminal background reports.

The current requirement that all licenses expire December 31st causes backlogs in January and February. To stagger this seasonal workload the Board proposes amending Code of Alabama 1975, Section 34-1A-5(e): "(e) Any license granted pursuant to this chapter shall expire ~~December 31 of each year~~ on an annual basis unless it is renewed pursuant to regulations established by the board or unless it is suspended or revoked."

2011-05

The costs of mailing individual notices to all licensees are prohibitive, but the Board will make extra efforts to get companies to share the email notices with their employees. The Board will establish a page on its web site to post changes in Code, policies and procedures and encourage all licensees to check this web page on a regular basis. The Board will also consider other possibilities of communication which may become available.

Sincerely,

Lynne B. Taunton
Executive Secretary

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